Supreme Court, U.S.
FILED

091198 JAN 12 2010

OFFICE OF THE CLERK

No. 10-

IN THE

Supreme Court of the United States

TERRY WILLIAMS; ESTATE OF CHARLES L. WILLIAMS, SR., ET AL.
Petitioner(s),

v.

JARED E. SHAFER, CLARK COUNTY PUBLIC ADMINISTRATOR, ET AL.
Respondent(s).

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

TERRY WILLIAMS
In Proper Person
Executrix, Personal Rep.,
& Successor Trustee –
Estate of Charles L. Williams, Sr.
C.L.Williams, Sr. Living Trust
3940 Laurel Canyon, Blvd., #1327
Studio City, California 91604
(818) 857-1196

QUESTIONS PRESENTED

(1) Whether 28 U.S.C. §1406 and/or 28 U.S.C. §1631 defeat otherwise proper SPECIFIC, RICO and/or GENERAL jurisdiction, thus the liberal venue provisions of the Racketeer Influenced and Corrupt Organizations Act, whereby evidence and testimony presented, establish: 1) Defendants' scheme targeted a CALIFORNIA Corporation; 2) several Defendants transact substantial, continuous, and systematic affairs in California; 3) Plaintiff's choice of forum/residence results from severe concerns for her safety and liberty in Clark County, Nevada; and 4) transferee court did not have jurisdiction over ALL Defendants.

(2) Whether Defendants' scheme, extending into California, Florida, Maryland, New York and Texas, although hatched in Nevada via illegal court process (calculated to circumvent Maryland's In Rem Jurisdiction of Decedent's Estate assets), EVER constitutes LEGAL proceedings, entitled to perceived jurisdiction, legitimacy and determination that proper venue for Petitioner's RICO suit is limited to the hub of Defendants' racketeering enterprise - NV.

(3) Whether the Nevada Statute governing "prevention or dissuasion of victims from reporting crime or possible crime," applies to police officers' refusal to file reports relative to "filing of false claims in a judicial proceeding," when in fact, former Clark, Lyons, and Nye County, NV Public Administrators, were indicted and convicted of similar charges.

(4) Whether cumulatively, all questions presented, trigger an "Ends of Justice" analysis and requirement favoring non-transfer.

PARTIES TO THE PROCEEDING

PETITIONERS

Petitioner is Terry Williams (Plaintiff/Appellant below), appearing Individually, as Executrix, Personal Representative and Successor Trustee re: Estate of Charles L. Williams, Sr. and the Charles L. Williams, Sr. Living Trust – Decedent is a lifetime domicile of the State of Maryland.

RESPONDENTS

Respondents (Defendants/Appellees below) are Jared E. Shafer (former Clark County Public Administrator); Dan Ahlstrom (former Clark County Public Administrator); Clark County Public Administrator; Clark County, Nevada; Clark County Coroner; Las Vegas Metropolitan Police Department; The Honorable Stewart Bell (Retired); The Honorable Valorie Stutz-Vega; Terry A. Coffing, Esq.; Elyse M. Tyrell, Esq.; Mark Morrow, Esq. (a resident of Florida); Gregory Dallas Horton, Esq., Althea Gilkey, Esq.

TABLE OF CONTENTS

QUESTIONS PRESENTED..... i

PARTIES TO THE PROCEEDING..... ii

TABLE OF CONTENTS.....iii, iv

INDEX OF APPENDICES..... v - x

TABLE OF AUTHORITIES..... xi, xii

PETITION FOR A WRIT OF CERTIORARI..... 1

OPINIONS BELOW..... 1

JURISDICTION..... 1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED..... 2

STATEMENT OF THE CASE..... 2-15

I. Background Facts..... 2-13
II. Issues..... 13
III. Decisions of the District Court..... 13-15
IV. Decision of the Ninth Circuit Court of Appeals..... 15

REASONS FOR GRANTING THE PETITION 15-16

I. The Circuits Are Split..... 17
II. Transfer of Petitioner's Case Is Contrary To Law..... 18-20
III. Petitioner's Matter Is One Affecting Great Public Interest..... 20-27
IV. Petitioner Is A Victim As Defined By The Rico Act..... 28-29

V. Defendants, The Forum And The Litigation.....29-30
VI. Rico Violations Unpunished..... 31-33

CONCLUSION..... 33-34

INDEX OF APPENDICES

APPENDIX A:
Ninth Circuit Court of Appeals Order
Denying Mandamus Review
Dated October 16, 2009..... 1-2a

APPENDIX B:
Ninth Circuit Court of Appeals Order
Dismissing Appeal
Dated: July 28, 2009..... 3-4a

APPENDIX C:
District Court Ruling on Motion for
Reconsideration of Order Transferring Case
Dated: June 19, 2009..... 5-9a

APPENDIX D:
District Court Transmittal Letter –
Civil Case Transfer Out & Receipt
Dated: April 30, 2009.....10-11a

APPENDIX E:
District Court Order Adopting Tentative as
The Court's Final Ruling
Dated: April 28, 2009.....12-24a

APPENDIX F:

District Court Civil Minutes Re: Matter
Taken Under Submission
Dated: April 27, 2009.....25-37a

APPENDIX G: STATUTES
18 U.S.C. – Chapter 96 [RICO].....38-42a

18 U.S.C. §1961 ..... 38-40a
18 U.S.C. §1962 ..... 40a
18 U.S.C. §1964 ..... 40-41a
18 U.S.C. §1965 ..... 41-42a
28 U.S.C. §1738 ..... 42-43a
28 U.S.C. §1406 ..... 43a
28 U.S.C. §1631 ..... 43-44a
FRCP §4(k)(1)(c) 44a
NRS 140.010 ..... 44-45a
NRS 140.020 ..... 45a
NRS 199.150 ..... 46a
NRS 199.230 ..... 46-47a
NRS 199.240 ..... 47a
NRS 199.242 ..... 48a
NRS 199.305 ..... 48-49a
NRS 199.310 ..... 49a
NRS199.320 ..... 49a
NRS 199.360 ..... 49-50a
NRS 199.380 ..... 50a
NRS 205.380 ..... 45-46a

APPENDIX H:

Maryland State Court – Letters of Administration, Order for Probate Return Receipts Re: Maryland Notice to Interested Parties 51-53a

APPENDIX I:

Post-Investigation Events Timeline Prepared By Nevada Commission on Ethics 54-55a

APPENDIX J:

Final Attempted Police Report to Las Vegas Metropolitan Police 56a

APPENDIX K:

Fraudulent Nevada Probate Re: Estate's Negligent Claim 54-74a

APPENDIX L:

Maryland Caveat Filed 2/14/2003 Calculated to Protect Nevada Probate Scheme and Undiscovered Estate Negligence Claim Filed 1/17/2003 75-77a

APPENDIX M:

Fraudulently Filed Estate Negligence Claim 78-84a

APPENDIX N:

Maryland Findings Re: Challenge to Decedent's Domicile 85-90a

APPENDIX O:

Maryland Dismissal of Caveat Challenge of Decedent's Will 91-96a

APPENDIX P:

Nursing Home Justice Ctr. v. Covenant Care Filed: 12/12/2001 – Regular Caption 97a

Nursing Home Justice Ctr. v. Covenant Care Filed: 8/2/2002 – Regular Caption 98a

Nursing Home Justice Ctr. v. AHP of Nevada Filed: 1/17/2003 – Manipulated Caption 99a

Nursing Home Justice Ctr. v. Covenant Care 100a
Filed: 2/11/2004 – Regular Caption

Eighth Judicial District Court Minutes: 101a
Nursing Hm. Justice Ctr. v. Covenant Care
Dated: 5/3/2004

APPENDIX Q:

Covenant Care, Inc. Business Entity –
California Business Entity Detail 102a

Covenant Care, Inc. Business Entity – 103a
Nevada Business Entity Detail

AHP of Nevada Business Entity – 104a
Nevada Business Entity Detail

APPENDIX R:

DANGER – Structure Deemed Unsafe 105a
Dated: 12/22/2009

APPENDIX S:

Clark County Code Violation Verbiage 106-109a

APPENDIX T:

Photo of actual CONDEMNED Property 110a

APPENDIX U:

Guardianship of Betty Franz 111-112a
Eight Judicial District Court Minutes
Dated: 10/21/2009

APPENDIX V:

Guardianship Guardianship of Betty Franz 113a
Los Angeles Superior Court Summary
Dated: 8/27/2009

APPENDIX W:

RICO Nationwide Jurisdiction/ 114-117a
18 USC 1965-Circuit Conflict
By: Gregory P. Joseph Law Offices

APPENDIX X:

Quote by the late, Honorable Thomas Foley 118-119a
re: Attorneys Using Margin Accounts for
Personal Benefit...Preying on Estates of
Deceased Persons in this community

APPENDIX Y:

Subsequent EX PARTE Appointment of 120-122a
Jared E. Shafer – Estate of Earl Wilson
June 11, 1990

APPENDIX Z:

Las Vegas Tribune Article: 123-128a
Public Administrator's Office
Under Heavy Scrutiny - Dated: 7/4/2002

APPENDIX AA:

Las Vegas Tribune Article: KVBC TV-3 129-133a
to Air Investigative Report on Public
Administrator's Office – Dated: 9/20/2002

APPENDIX BB:

Las Vegas Tribune Article: Guardianship Nightmare Ending for California Couple – Dated: 8/19/2009 134-138a

APPENDIX CC:

Guardianship Evaluation: Gerald McCaffrey, Desperate Emails and Disregard of Normal Evaluation Findings Dated: 2/26/2006 139-148a

APPENDIX DD:

Petition of Margaret Cunningham to Set-Aside Appointment of Jared Shafer As Guardian/Trustee – Filed: 11/6/2002 149-155a

APPENDIX EE:

Affidavit of Petitioner Re: Scheme & Police Meetings 156-163a

TABLE OF AUTHORITIES

Cases	Page(s)
Adler v. Sheriff, 92 Nev. 436, 552 P.2d 334 (1976)	26
Adler v. State, 95 Nev. 339, 594 P.2d 725 (1979)	26
Boyle v. United States, 129 U.S. 2237 (2009)	16
Butcher's Union Local No. 498 v. SDC Investments, Inc., 788 F.2d 535, 539-39 (9th Cir. 1986)	16
Calder v. Jones, 465 U.S. 783 (1984), 788-791	25-26
Cory v. Aztec Steel Building, Inc., 468 F.3d 1226, 1230 (10th Cir. 2006), 127 S.Ct. 2134 (2007)	16, 25, 27, 28
ESAB Group, Inc. v. Centricut, Inc., 126 F.3d 617, 626-27 (4th Cir. 1997), 118 S.Ct. 1364 (1998)	16
Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 508, 67 S.Ct. 839, 843, 91 L.Ed. 1055 (1947)	18
Hawkins v. The Upjohn Co., 890 F.Supp. 601, 605-06 (E.D.Tex. 1994)	16
Hilgeman v. National Insurance Co. of America, 547 F.2d at 301	18

Hooper v. Mountain State Securities Corp., 282 F.2d 195, 204 (5th Cir.1960) 18

Lisak v. Mercantile Bancorp, Inc., 834 F.2d 668, 671 (7th Cir. 1987), cert. denied, 108 S.Ct. 1472 (1988) 16

Marshall vs. Marshall, (547 U.S. 293 (2006) 28

Oblio Telecom, Inc. v. Patel, No. 3-08-CV-0279-L, 2008 WL 4936488 at *4 (N.D. Tex. Nov. 18, 2008) 16

PT United Can Co. v. Crown Cork & Seal Co., 138 F.3d 65, 71 (2d Cir. 1998) 16

Republic of Panama v. BCCI Holdings, 119 F.3d 935, 942 (11th Cir. 1997) 16

Ritter v. Zuspan, 451 F.Supp. 926, 928 (E.D.Mich.1978) 18

Rolls-Royce Corp. v. Heros, Inc., 576 F.Supp.2d 765, 779 (N.D. Tex. 2008) 16

Securities Investor Protection Corporation v. Vigman C, 764 F.2d 1309 (1985) 18

Standard Oil Co. of N.J. v. United States, 221 U.S. 1, 46, 31 S.Ct. 502, 55 L.Ed. 619 (1911) 27

United States v. Standard Oil Co. of N.J., 152 F. 290, 296 (C.C.E.D.Mo.1907) 28

CONGRESSIONAL PROVISIONS

Organized Crime Control Act of 1970, Pub.L. No. 91-452, 84 Stat. 922, 923 27

15 U.S.C. §§ 5 (Sherman Act) 27
10 (Wilson Tariff Act) 27
22 (Clayton Act) 27

PETITION FOR A WRIT OF CERTIORARI

Petitioner, Terry Williams, respectfully prays that a writ of certiorari be issued to review the judgment of the United States District Court - Central District of California, transferring Petitioner's RICO action to Las Vegas, Nevada. The past and present threats to life, liberty, property and pursuit of happiness in Defendants' choice of forum, render said forum unavailable to Petitioner, as the Constitutional rights belonging to her and other victims appear suspended in that jurisdiction. The Ninth Circuit Court of Appeals has denied Appeal/Mandamus review.

OPINIONS BELOW

The relevant decisions of the Ninth Circuit Court of Appeals denying Mandamus Review are attached as App. "A," and "B." The relevant opinions of the U.S. District Court for the Central District of California are attached as App. "C", "D", "E" and "F."

JURISDICTION

The order of the Ninth Circuit Court of Appeals, denying Appellate/Mandamus review was entered on October 16, 2009. **[App. A, 1-2a]** This petition is timely under 28 U.S.C. §2101(c), and Supreme Court Rules 13.1 and 13.3, in that it was filed within 90 days of entry of the order denying Mandamus review. This Court has jurisdiction to review orders of the U.S. District Court denied appellate review pursuant to 28 U.S.C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED [App. "G"]

The primarily relevant statutory provisions involved are: 18 U.S.C. §§ 1961, 1962, 1964, 1965, et seq.; 28 U.S.C. §1738; 28 U.S.C. §1406; 28 U.S.C. §1631; N.R.S. §140.010; N.R.S. §140.020; and N.R.S. §205.380.

Other potentially relevant statutes involved are: N.R.S. §199.150; N.R.S. §199.230; N.R.S. §199.240; N.R.S. §199.242. N.R.S. §199.305; N.R.S. §199.310; N.R.S. §199.320; N.R.S. §199.360; N.R.S. §199.380.

Relevant Congressional Provision: Racketeer Influenced Corrupt Organizations Act ("RICO").

Relevant portions of said Congressional and statutory provisions are reprinted at App. 38a-50a.

STATEMENT OF THE CASE

I. Background Facts

Commencing in 2002, upon the injury and subsequent death of her father, Petitioner's existence was concealed to create the false perception that "*no local relative existed, was willing or able*" to handle Decedent's affairs. **[App. "I" 54-55a]** Creation of this "perception" is the window through which Defendants' enter, wreaking havoc upon the elderly, disabled and estates of Decedents. Defendants Shafer, Tyrell, Coffing, Morrow, and others concealed Plaintiff's existence, Decedent's Will & Trust previously admitted to probate in the State of

Maryland, and conspired to establish a probate estate in the Clark County, Nevada to intercept Decedent's assets – chiefly, a SURVIVOR cause of action for negligence against the California Corporation (rehabilitation facility) responsible for Decedent's injuries and death. **[App. "M" – 78-84a]**

Upon discovery of Defendants' scheme, Petitioner's character was repeatedly assassinated, attacks were made against her family, and she was ultimately joined to Defendants' fraudulent scheme, against her will. Relentless in their efforts to exploit her father's SURVIVOR claim against a California corporation (an asset belonging to the State of Maryland), Defendants' initiated their plan under color of law, shrouded by a cloak of jurisdiction and legitimacy. Having discovered a bona fide Probate Mafia, one privy to insider information on personal injury, tragedy and death, Defendants' efforts to silence Petitioner continue through the date of this filing. Many other victims communicating frighteningly similar stories, report some form of interaction with the Las Vegas Metropolitan Department, prior to victimization. Petitioner is informed and believes that subsequent attempts to file police reports regarding allegations similar to those contained herein have been thwarted for years.

Petitioner, in her individual and representative capacities re: Charles Williams, Sr., Deceased (Maryland domicile), filed a civil action raising RICO and other claims on October 24, 2008 in the U.S. District Court – Central District of California. [Case: CV08-07054-GW (AJWX)]. Petitioner's claims relate to schematics amounting to felonious and other criminal attempts to obtain money under false pretenses.

Defendants' scheme, commencing in 2002 and continuing through 2007, was initiated via filing of false claims in judicial and other proceedings in the State of Nevada, after admission of Decedent's Will to probate in the State of Maryland. Said scheme and related events, were calculated to: 1) circumvent Decedent's Will/Trust; 2) rest original, exclusive, In Rem jurisdiction and control of Decedents' assets and claims from the State of Maryland; and 3) manipulate fraudulently instituted litigation targeting "deep-pockets" headquartered in California. **[App. "Q," 102-103a]** In order to maximize fees for all involved and minimize detection of the racketeering enterprise, location of an estranged and/or out of state relative was vital to the operation, such that, Defendants' "involvement" (being *local*) appeared necessary.

Petitioner's Decedent (a lifetime domicile of Maryland) died on November 4, 2002, as a result of injuries and medical negligence occurring while a temporary in-patient at Silver Ridge Healthcare Center. Silver Ridge is one of 50 facilities throughout the country, owned and operated by Covenant Care, Inc., a California Corporation. **[App. "P," 97-103]** Consequently, Decedent's Will (referencing a Living Trust) was admitted to probate in the State of Maryland on November 25, 2002. Letters of Administration appointing Petitioner as Decedent's Personal Representative were issued, evidencing probate on the same date. All interested parties were noticed via U.S. Mail, as required by Maryland law. Legal standing to collect assets and pursue claims on behalf of Decedent's estate vested in Petitioner as of November 25, 2002. **[App. "H," 51-53]**

PHASE I

As subsidiary of Marquis & Aurbach, legal counsel for the Las Vegas Metropolitan Police Department, "Nursing Home Justice Center" and others enjoyed immediate access to privileged information obtained by the Las Vegas Metropolitan Police Department, Clark County Coroner, Clark County Public Administrator, Clark County Public Guardian, etc., by virtue of their association with "the industry of death." Defendants (in their individual and/or professional capacities as attorneys and public officials), designedly and corruptly engineered the filing of EX PARTE estate proceedings relative to Decedent's estate in Clark County, Nevada, based solely in fraud. **[App. "K", 57-65a]**

On or before December 31, 2002, Defendants Jared E. Shafer, Terry A. Coffing, Esq., Mark Morrow, Esq., Elyse M. Tyrell, Esq., and others conspired to initiate a scheme calculated to intercept a litigation award relative to Decedent's SLAM DUNK Survivor Action for Negligence against a California Corporation. The targeted claim - an Estate asset belonging to Decedent's Domiciliary Estate/Trust in Maryland, was potentially worth treble damages (twice actual, plus punitive), in addition to separate attorneys' fees and costs. **[App. M, 83-84a (Prayer for relief)]**

Despite having prior knowledge of Petitioner's existence, presence in Clark County, Nevada, and status as Decedent's Personal Representative, Defendants (undergoing great pains to conceal the same), caused the simultaneous filing and issuance of both an EX PARTE Petition and Order seeking

non-appealable appointments of Co-Special Administrators of Decedent's Estate. **[App. G, 44a; App. K, 57-61a]** Without scrutiny or lawful jurisdiction, the Eighth Judicial District Court of Nevada (State Court) immediately granted Defendants' petition, absent all attachments referenced therein...namely Decedent's death certificate and list of heirs. **[App. K, 62-63a]** Said documents, evidencing Petitioner's existence, locality and witness to Decedent's demise, jeopardized the fraudulent operation. Documents calculated to accomplish Phase I, appear prepared on or about January 2nd, presented to the Eighth Judicial District Court on or about January 3rd and contain an official court "filed" stamp dated January 6, 2003. **[App. K, 57-67a]** Petitioner contends that the initiation of said proceedings was scheduled to take place during her absence from Clark County, Nevada, while she conducted Decedent's Memorial in the State of Maryland. Phase I was accomplished in secret, prior to her return.

PHASE II

The crucial, second phase of Defendants' operation involved the secret filing of the companion negligence case, brought on behalf of Decedent's Estate. **[App. M, 78-84a]**

Having filed several previous cases against Covenant Care, Inc., a California Corporation d/b/a Silver Ridge Healthcare Center, Defendants' artful pleading concealed Decedent's federal claims and failed to name the California Corporation liable for injuries resulting in Decedent's death. **[App. P-Q, 97-104a]** Via manipulation of the "regularly filed" caption, to wit:

REGULAR CAPTION
[App "P"]

3200

COMP
NURSING HOME JUSTICE CENTER
Dale A. Hayes, Esq.
Nevada State Bar No. 3430
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711
Attorneys for Plaintiffs

Dec 12 11 42 AM '01
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

JOSEPH A. LOEB AND KAREN HORMAN, SPECIAL CO-ADMINISTRATORS OF THE ESTATE OF RUTH G. LOEB

Plaintiffs,

vs.

COVENANT CARE VEGAS, INC., a California corporation d/b/a SILVER RIDGE HEALTH CARE CENTER, DOE Individuals I through X, inclusive; and ROE corporations, I through X, inclusive,

Defendants

Case No. A444952
Department XIX

COMPLAINT

No Hearing Date
No Hearing Time

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1330

COMP
NURSING HOME JUSTICE CENTER
Dale A. Hayes, Esq.
Nevada State Bar No. 3430
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711
Attorneys for Plaintiffs

FILED
Dec 6 2 53 PM '02
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVEN DEGERING, heir and Special Administrator of the Estate of Max A. Degering and SUSAN DEGERING-HOCH, as heir of the Decedent, Max A. Degering,

Plaintiff,

vs.

COVENANT CARE VEGAS, INC., A California corporation d/b/a SILVER RIDGE HEATH CARE CENTER, DOES I through X, inclusive, and ROE corporations I through X, inclusive

Defendants

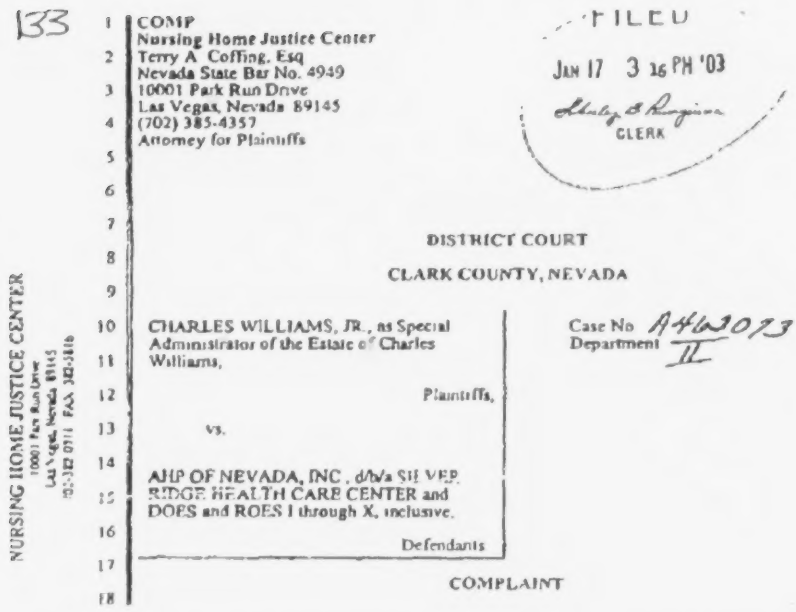
Case No. A454344
Dept VIII

COMPLAINT

No Hearing Date
No Hearing Time

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

MANIPULATED CAPTION



133

COMP
Nursing Home Justice Center
Terry A. Coffing, Esq.
Nevada State Bar No. 4949
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 385-4357
Attorney for Plaintiffs

FILED
JAN 17 3 16 PM '03
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES WILLIAMS, JR., as Special Administrator of the Estate of Charles Williams,

Plaintiffs,

vs.

AHP OF NEVADA, INC., d/b/a SILVER RIDGE HEALTH CARE CENTER and DOES and ROES I through X, inclusive.

Defendants

Case No A463073
Department II

COMPLAINT

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 385-4357 FAX 385-4316

Defendants' manipulated caption concealed the scheme's nexus into California by naming AHP of Nevada (the owner of land beneath the facility) as the parent company of Silver Ridge Healthcare Center. **[App. P, 99a; App. Q, 104a]** Additionally, Defendants' failure to assert Decedent's Federal claims, guaranteed confinement and protection of the scheme in Clark County, Nevada – the hub of Defendants' racketeering enterprise. Also concealed in the filing of the Decedent's negligence action, was the involvement of Co-Special Administrator, Jared E. Shafer, Clark County Public Administrator of over 23 years. **[App. P, 99a-Caption]** Naming only the estranged, out-of-state relative (a Texas resident), utilized for the express purpose of association and manufactured standing, Phase II was also accomplished, unbeknownst to Petitioner.

PHASE III

In an effort to legitimize retainer agreements entered into ***prior*** to institution of the illegal probate proceedings and negligence action, Defendants filed a Petition for Authority to Enter Into Legal Services Contracts and Petition for Approval of Fees on or about January 29, 2003. **[App. K, 68-74a – Facsimile Headers]** The Petitions were denied. However Defendants' scheme proceeded.

The first noticed document served via ***U.S. Mail***, listed a hearing date of February 14, 2003. **[App. K, 68a]** (All prior documents prepared to initiate the instant scheme were finalized via facsimile, mail, overnight express, etc. and filed EX PARTE) Said document was the first ever received by Petitioner. Upon Petitioner's inquiry, the February 14th hearing was continued to February 28th, so as to allow Defendants an opportunity to engineer a means to protect their scheme.

Petitioner, appearing on February 28, 2003 in an effort to defend obvious exploitation of Decedent's estate, was never permitted to present exemplified copies evidencing Maryland jurisdiction of Decedent's probate, thus illustrating fraud upon the court. Neither was Maryland jurisdiction or her appointment as Decedent's duly appointed representative EVER acknowledged. Rather, Petitioner was recognized, in her individual capacity as an heir, as though Decedent died intestate. Petitioner was defamed, accused of criminal behavior and advised that Decedent's Will was being challenged in the State of Maryland. Unbeknownst to Petitioner, a Caveat had been filed on February 14, 2003, raising the issue of domicile and alleging

the very same criminal behavior alleged during the Nevada proceeding occurring on February 28, 2003. **[App. L, 75-77a]** Challenge to Decedent's domicile and the Caveat were ultimately defeated via trial in the State of Maryland. **[App. N-O, 85-96]** However, Defendants' objective reigned supreme in the form of one collateral attack after another, designed to trump Maryland findings and jurisdiction. Defendants' payday from a California corporation was all but guaranteed. Said collateral attacks, otherwise considered illegal and foreclosed by the doctrines of res judicata and collateral estoppel, were incessant. However, defendants, having a 30-year trail of victims are quite insulated from laws protecting the basic due process rights of citizens in Defendants' choice of forum. **[App. X, 118-119a]**

TRUMPED UP CRIMINAL CHARGES

Defendants' attempts to manufacture criminal charges designed to silence Petitioner, such that she never obtain justice (beginning in 2003 and continuing through the date of this filing), are perpetrated through "partner-agency" relationships among various Clark County agencies. Petitioner fears for her safety and liberty in Clark County, Nevada. **[App. Z-EE, 123-163a]** Given that the local attorney pool is conflicted out as a result of Defendants' thriving racketeering enterprise spanning 30+ years, Petitioner has been unable to find counsel to date. Although Petitioner's complaints and concerns have been validated by a number of attorneys in Clark County, she has yet to find counsel willing to commit "professional suicide" in Defendants' choice of forum. For these and other reasons, the forum of Clark County, Nevada is unavailable to Petitioner.

THE RED TAG

Petitioner contends that Defendants' latest efforts to force dismissal of this action involve the CONDEMNATION of her property, located in Clark County, Nevada. **[App. R, 105a]** Petitioner further contends that said efforts were calculated to charge Petitioner with a MISDEMEANOR, for entering the premises just before CHRISTMAS! The result of yet another ANONYMOUS complaint, Clark County summoned the Public Response Unit to investigate said anonymous complaint of "people" using the property on the weekends without benefit of electricity. The Public Response Official states that anonymous "neighbors" report that the "people" come in on holiday weekends and use the property. Electing to "CONDEMN" Petitioner's property on 12/22/2009 with a RED TAG stating, "DANGER THIS STRUCTURE IS DEEMED UNSAFE," [App. "R] Petitioner's efforts to reach the Public Response Officer at the number listed on the RED TAG were to no avail. Finally contacting someone in the office of Clark County Code Enforcement, various employees searched for a complaint within their system. Having found no active complaint, no one in the office could explain the premise having been condemned. Petitioner was informed that the Officer having RED TAGGED the property would not return until 12/29/2009. Petitioner left a message for the officer named on the RED TAG on 12/24/2009. Receiving a return call on 12/29/2009 from the officer responsible for the Red Tag, Petitioner was informed that it is illegal to live in a property with no electricity, "wanna keep people out of there," and that neighbors report that the "people" live in the premise on the weekend...usually holiday weekends.

Clark County (a named Defendant in the instant action), is WELL aware, through various documents served in these proceedings, that Petitioner is TERRIFIED to live in her own property and that she has not "lived" there in quite some time. Despite said knowledge, it is Clark County who summoned the Public Response Unit. Petitioner contends that her property (built in 2002) is not unsafe, that she checks on the property, usually on holiday weekends, and that this is just another attempt to gain domicile or arrest privileges over her. As of Friday, March 19, 2010, Petitioner has been "locked out" of her property, to her and her mortgage company's surprise.

Because of these and other events IDENTICAL in nature, Petitioner is unable to function, much less, litigate in Defendants' choice of forum.

AN APPROPRIATE DISTRICT COURT

Upon successful flight back to her previous state of residency – the State of California, Petitioner discovered related and unrelated evidence that Defendants' questionable "business transactions" not only extended in the State of California, but that a specific case evidenced perjury committed by several Defendants in relation to Decedent's case. Said evidence is located in court filings within the Los Angeles Superior Court. Upon this discovery, coupled with the fact that Defendants' racketeering activities targeted a California corporation, it is with thanks to Vickie Lynn Marshall, that Petitioner is entitled to access the "appropriate District Court." A recent case involving Defendant Shafer related to the Guardianship of Betty Franze is pending in both the

Nevada family court and the California probate court, illustrating that Defendant continues to "transact affairs" in the State of California. **[App. U, 111-113a]**

As both Specific and RICO jurisdiction apply, triggering "Nationwide Service of Process," the "Ends of Justice" requirement being met, Petitioner's choice of forum was now crystal clear. While Petitioner's case involves extensions into California, Florida, Maryland, New York, Nevada and Texas, the application of "Nationwide Service of Process" allows Petitioner to bring all Defendants before the U.S. District Court - California – Central District. Petitioner contends that the extortion, coercion and ongoing threat occurring in Defendants' choice of forum and that the "Ends of Justice" analysis, require Petitioner's choice of forum prevail.

II. Issues

The liberal venue provisions of the RICO Act are triggered by the fact that racketeering Defendants' have availed themselves of the privilege and protection of California law. Testifying in concert, that Defendants have done no such thing, instead seeking the comforts and protections of their choice of forum, Defendants have since filed new actions in the Los Angeles Superior Court. Defendants classic misrepresentations to the Los Angeles Superior Court continue, in addition to the relationships with a California investment company, licensed and insured under California law.

III. Decisions of the District Court.

Upon receipt of service of the Petitioner's complaint, Defendants' filed garden variety 12(b)

motions seeking to dismiss and/or transfer the matter to Las Vegas, Nevada - hub of Defendants' racketeering operations. In response, Petitioner presented voluminous evidence of several Defendants' "business transactions" occurring in California, namely documents filed in the Los Angeles Superior Court and others indicating the investment of countless Clark County Wards' assets under management of a California Investment Company. Petitioner also requested an order to conduct jurisdictional discovery.

Although a tentative ruling was circulated minutes prior to hearing on the matter, granting Defendants' Motion for Transfer, despite evidence presented establishing a prima facie showing of Specific, Rico and/or General Jurisdiction over Defendants, the testimony by both Petitioner and Defendant appeared to make all the difference. **[App. F, 25-37]**

Petitioner, with strong conviction, informed the Court that her life and countless others' were in jeopardy in Clark County, Nevada, that Defendants' activities in her matter targeted a California Corporation, and that Defendants had joined her to their fraudulent scheme, over her objection. The Court ordered Defendants to respond to Petitioner's allegations. Thereafter, counsel for Clark County Defendants stated that he was unfamiliar with the underlying facts of the case. Counsel for State Defendants deferred to Defendant Terry Coffing. Defendant Coffing admitted that "He" had filed suit in the underlying matter and that the parent company "***is***" located in California. The Court, appearing perplexed, stated, "That gives me Specific Jurisdiction." The court then stated that it would

take another look at it, taking the matter under submission. **[App. F, 25-26a]**

However, on the very next morning, in direct conflict with evidence and testimony presented, the Court adopted the tentative decision (circulated prior to the hearing), as the Court's final ruling. **[App. E, 12-24a]** Said tentative decision considers neither the voluminous evidence of several Defendants' minimum contacts with the State of California, thus possibly establishing general jurisdiction, nor testimony establishing Specific/Rico Jurisdiction. Further, the adopted, tentative ruling finds that it lacks jurisdiction over *ANY* Defendants, improper venue, and references none of the testimony during hearing on the matter, occurring after its formulation. Denying Petitioner's Motion for Reconsideration and request for certification, the case was immediately transferred to the U.S. District Court for the District of Nevada, leaving no opportunity to seek review prior to transfer.

IV. Decisions of the Ninth Circuit Court of Appeals.

The Ninth Circuit Court of Appeals denied Petitioner's request seeking Appellate/Mandamus review of the District Court's Order transferring the case.

REASONS FOR GRANTING THE PETITION

There are four (4) principle reasons the United States Supreme Court should grant the instant petition for writ of certiorari to review the District Court's order, transferring Petitioner's case to Defendants' choice of forum.

I. The Circuit Courts are in conflict as to the intent of the broad venue provisions under 18 U.S.C. §1965;

II. Transfer of Petitioner's case is contrary to well settled law and Congressional intent;

III. The matter involves one of public interest, as the events and evidence in the instant case, evidence a long standing racketeering enterprise – satisfying this Honorable Courts' holding in *Boyle v. United States*, 129 U.S. 2237 (2009). Having managed to escape the interest of local law enforcement charged with protecting the public since 1975, something must be done; and

IV. Without this Court's intervention, Defendants' ongoing RICO violations may go unpunished.

Petitioner(s) have a justiciable case in controversy relative to racketeering activities calculated to deprive Decedent's Estate of assets belonging to it, and ultimately those entitled to inherit under Decedent's estate plan held valid in the State of Maryland. Deprivation of Rights Under Color of Law, is likewise the result of Defendants' activities. Defendants' criminal activities targeted a corporate citizen of California, extending into other States as well. Said scheme deprived Petitioners of the ability to assert their claims, fully and fairly in a court of law. The U.S. District Court for the Central District of California was indeed proper venue for Petitioner's RICO action, as it is headquarters to Covenant Care, Inc. - the California corporation and calculated source of Defendants' heavily anticipated pay-day.

I. THE CIRCUITS ARE IN CONFLICT [App. "W"]

A circuit split has developed on the issue of which subsection of the RICO statute grants nationwide jurisdiction. The Second, Seventh, Ninth, and Tenth Circuits have determined that subsection 1965(b) confers nationwide service of process in RICO cases. See *PT United Can Co. v. Crown Cork & Seal Co.*, 138 F.3d 65, 71 (2d Cir. 1998); *Lisak v. Mercantile Bancorp, Inc.*, 834 F.2d 668, 671 (7th Cir. 1987), cert. denied, 108 S.Ct. 1472 (1988); *Butcher's Union Local No. 498 v. SDC Investments, Inc.*, 788 F.2d 535, 539-39 (9th Cir. 1986); *Cory v. Aztec Steel Building, Inc.*, 468 F.3d 1226, 1230 (10th Cir. 2006), cert. denied, 127 S.Ct. 2134 (2007). The Fourth and Eleventh Circuits have held that section 1965(d) is the relevant subsection. See *ESAB Group, Inc. v. Centricut, Inc.*, 126 F.3d 617, 626-27 (4th Cir. 1997), cert. denied, 118 S.Ct. 1364 (1998); *Republic of Panama v. BCCI Holdings*, 119 F.3d 935, 942 (11th Cir. 1997). Although the Fifth Circuit has not yet decided the issue, most federal courts in Texas, including two judges in this district, have followed the majority rule. See *Rolls-Royce Corp. v. Heros, Inc.*, 576 F.Supp.2d 765, 779 (N.D. Tex. 2008); *Oblio Telecom, Inc. v. Patel*, No. 3-08-CV-0279-L, 2008 WL 4936488 at *4 (N.D. Tex. Nov. 18, 2008); *Hawkins v. The Upjohn Co.*, 890 F.Supp. 601, 605-06 (E.D.Tex. 1994). - RICO — Nationwide Jurisdiction under 18 U.S.C. § 1965 — Circuit Split

(*Gregory P. Joseph Law Offices LLC:* http://www.josephnyc.com/blog/?blogID=979)

II. TRANSFER OF PETITIONER'S CASE IS CONTRARY TO LAW

In disregarding, testimony, evidence and other factors resulting in Plaintiff's choice of forum, the District Court effectively recreated all burden, exposure to further danger, extortion, trumped up criminal charges and threatened incarceration. Petitioner, as a former Clark County resident held captive to Defendants' racketeering enterprise and activities, constantly faced these and other threats, extending into California and other states.

Additionally, the reasoning in the District Court's adopted-tentative ruling is flawed in that it transfers the case to Nevada, finding:

> *"none of the events or omissions giving rise to Plaintiff's claim occurred in California...the only possible basis upon which venue might be considered proper (and only as to Defendant Shafer) is under RICO's venue provision...Under a very liberal interpretation, Plaintiff might be considered to have shown that Shafer "transacts his affairs" in California...Even if this were the case, however, other considerations would clearly warrant transfer of this action to the District of Nevada under §1406." [App. "E" @ 20-21a, lines 34-18]*

Petitioner contends that the evidence on file clearly illustrates that various persons and entities acting under Clark County authority (in addition to Clark County itself), transact affairs in the State of California. Thus, under "very liberal interpretation"

of RICO's venue provision, not only has Plaintiff shown proper venue with regard to Defendant Shafer, but relative to numerous Defendants. Petitioner exceeded her burden in showing not only the minimum contacts necessary to exercise jurisdiction over several Defendants, but that specific jurisdiction over Defendants applies as well.

Similarly, both 28 U.S.C. §1406 and §1631, require a finding of "*want of jurisdiction.*" **[App. "G, 43-44a]** Petitioner made a prima facie showing and the District Court acknowledge Specific jurisdiction. Transfer of this matter is an error at law.

Further, in *Securities Investor Protection Corporation v. Vigman C*, 764 F.2d 1309 (1985), the Ninth Circuit Court of Appeals held:

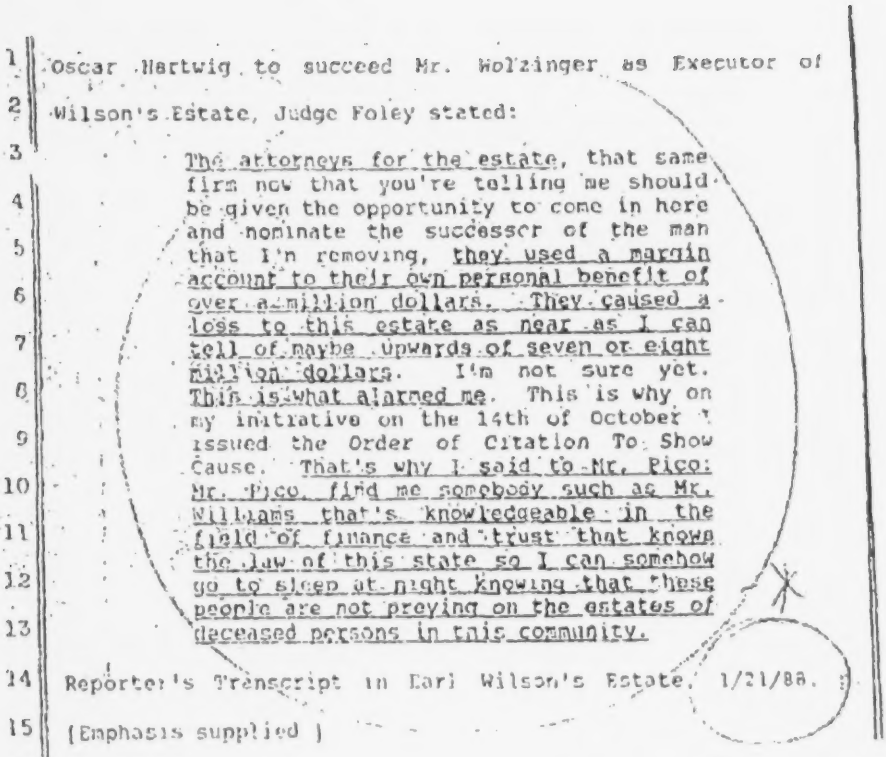
> "...the fraudulent scheme need not be hatched in the forum district... without question, the intent of the venue and jurisdiction provisions of the securities laws is to grant potential plaintiffs liberal choice in their selection of a forum... and unless the balance of factors is strongly in favor of the defendants, the plaintiff's choice of forum should rarely be disturbed..." Further reading of the case reasons:
>
> "It does not appear from the briefs filed in this case, or from the record below, that Appellees Ferri or Mobile had any actual contacts with the forum (the Central District of California) or that they performed any acts within the forum in violation of the Act. However, "[t]he 'act' contemplated by the statute need not be

> crucial, nor must 'the fraudulent scheme be hatched in the forum district.' "*Hilgeman v. National Insurance Co. of America*, 547 F.2d at 301 (quoting *Hooper v. Mountain State Securities Corp.*, 282 F.2d 195, 204 (5th Cir.1960)). "Without question, the intent of the venue and jurisdiction provisions of the securities laws is to grant potential plaintiffs liberal choice in their selection of a forum." *Ritter v. Zuspan*, 451 F.Supp. 926, 928 (E.D.Mich.1978), and unless the balance of factors is strongly in favor of the defendants, the plaintiff's choice of forum should rarely be disturbed. *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 508, 67 S.Ct. 839, 843, 91 L.Ed. 1055 (1947).

Petitioner contends that broad venue provisions under both the securities laws and those of the RICO Act are designed for the purpose of combating organized crime and that proper venue lies in any forum in which member(s) of the racketeering enterprise appear to transact affairs.

III. PETITIONER'S MATTER IS ONE AFFECTING PUBLIC INTEREST

Petitioner contends that upon initial research into Defendants' activities, she located certain key pieces of public information evidencing the existence of a Las Vegas Probate Mafia, dating back to at least 1988, to wit:



Oscar Hartwig to succeed Mr. Wolzinger as Executor of Wilson's Estate, Judge Foley stated:

> The attorneys for the estate, that same firm now that you're telling me should be given the opportunity to come in here and nominate the successor of the man that I'm removing, they used a margin account to their own personal benefit of over a million dollars. They caused a loss to this estate as near as I can tell of maybe upwards of seven or eight million dollars. I'm not sure yet. This is what alarmed me. This is why on my initiative on the 14th of October I issued the Order of Citation To Show Cause. That's why I said to Mr. Pico: Mr. Pico, find me somebody such as Mr. Williams that's knowledgeable in the field of finance and trust that knows the law of this state so I can somehow go to sleep at night knowing that these people are not preying on the estates of deceased persons in this community.

Reporter's Transcript in Earl Wilson's Estate, 1/21/88.

(Emphasis supplied.)

APPENDIX "X" @ 118-119a

Petitioner was absolutely shocked to learn that, in addition to Defendants' ability to fraudulently establish EX PARTE probate proceedings, elderly persons having significant assets are deemed INCOMPETENT, EXPARTE as well. All assets and resources are immediately frozen, rendering them helpless against attacks to gain control of the same. Their estate plans - seized, destroyed and/or circumvented, are rendered ineffective in similar fashion.

Las Vegas TRIBUNE
"I disapprove of what you say, but I will defend to the death your right to say it." — Voltaire

Public Administrator's Office Under Heavy Scrutiny

*****EXCERPT*****
Jared Shafer

By Dwayne D. Eukel
Editor – Las Vegas Tribune
July 4, 2002

When long-time Boulder City resident and senior citizen, David J. Pletz wrote the following letter on August 11, 2000, he was quite able to express himself clearly, adamantly and with passion. Since the Public Administrator/Public Guardian's Office has taken control of his life, his wife, and his son's lives, he may not even remember his own name today.

The letter went on to read:

"Within the last few days, I had the occasion to examine an affidavit in support of a temporary protective order, which I understand you had a hand

BEST AVAILABLE COPY

in preparing, pitting myself and my wife against our son. For the record, let me emphatically proclaim that the document at issue was totally fabricated. At no time has my son ever assaulted, threatened, intimidated, harassed, or ever manipulated either my wife or myself. The mere suggestion that he has done so is a vicious lie, created by you and your colleagues – so that you all could swindle us out of our life's savings and assets.

Any information provided to you by my daughter, whom I love dearly, should have been sifted through carefully as she has ulterior motives – in that she has been upset that Martha and my decision was to exclude her from our will in favor of our son David. You must admit that we have the right to do so without the State's interference. Moreover, you had no right to circumvent our fully executed will naming David as the major beneficiary of our estate. This document was seized by you, along with all the other items in our home."

APPENDIX "Z" @ 123-128a

Volume 4 Issue 12 September 20, 2002

KVBC TV-3 to Air Investigative Report on Public Administrator's Office

"I was ordered to stamp savings bonds with the Public Administrator's seal, which were then cashed. In particular, and for the record, was the Margaret Goldstein family...The savings bonds were already made out to family members, but Jared had me stamp them with the PA's seal and then he cashed them," --- Beverly Teach, a Former County employee at the administrator's office.

By Dwayne D. Eukel

*****EXCERPT*****

KVBC TV-3 Investigative Reporter, Darcy Spears told the Las Vegas Tribune recently, that an investigative news segment concerning the serious allegations surrounding outgoing Public Administrator Jared Shafer would be aired sometime this November.

Spears asked the Tribune what their opinion was, of the most important issue that ought to be focused on in the segment. In few words the City Editor of the Las Vegas Tribune answered, "Accountability; someone with the authority to make Jared Shafer produce an accurate accounting of the Guardian's

office' books. I heard someone call it recently, 'a forensic accounting.'"

Statutes surrounding the Public Administrators office "are somewhat ambiguous," according to one unnamed legal source.

However, according to another source, "records are hard to come by from that office, and there are many stories from individuals who claim that attorneys, social workers, even medical personnel, sometimes work together to take over an estate – effectively shutting out any family members otherwise entitled to share in the estate."
The Tribune has observed documents from the County Recorder's Office, which show pages of property listings that indicate the administrator/guardian's office is Trustee of hundreds of pieces of property.

However, there are disputes as to whether their office has the legal right to be guardian of the estates. "Some are claiming that Shafer has made "victims" out of family members because they question the handling of an estate or other pertinent inquiry.

One witness to Jared Shafer's actions during his tenure told the Las Vegas Tribune, "I was ordered to stamp savings bonds with the Public Administrator's seal, which were then cashed. In particular, and for

the record, was the Margaret Goldstein family...The savings bonds were already made out to family members, but Jared had me stamp them with the PA's seal and then he cashed them," said Beverly Teach, a Former County employee at the administrator's office.

APPENDIX "AA" @ 129-133a

[illegible] THE ONLY INDEPENDENT NEWSPAPER IN CLARK COUNTY August 19, 2005
[illegible]@LasVegasTribune.com

Las Vegas Tribune

"Only California. Of what you say. But had [illegible] it's [illegible] you right to say it." — Voltaire

Guardianship Nightmare Ending for California Couple

Former Public Administrator Jared Shafen Implicated in Plot

[illegible]

By Fred Duncan
Las Vegas Tribune

Heidi Pascal of Marina Del Rey, Calif. wants nothing more for her mother Marcy DuDeck, a ward of Clark County Family Court than to let her live out the rest of her life in the peace and sanctity of a place where she'll be safe and cared for.

But the past three years have been a living nightmare, a legal Hell for Ms. Pascal, who have tried to achieve that goal for the 91-year-old widow suffering from mild dementia.

It's not enough, as Heidi found out, that she tries to do as much as she can to become her mom's guardian so she can effectively and judiciously administer the estate's trust account because to do so, as she also discovered, you have to be a resident of Nevada regardless of how close you live to the ward.

That means a ward of the court can be living in Laughlin and the guardian can be located in Reno, Nev., 310 miles to the north and everything is legal, but if a loved one lived in Bullhead City, Ariz. – a stone's throw across the Colorado River – they could not be the ward's guardian.

"This is an issue when it first came up because the Nevada statute won't allow the court to appoint someone a guardian of a person unless they're a Nevada resident," said Vincent Kesich.

See DuDeck, Page A-3

APPENDIX "BB" @ 134-138a

Petitioner contends that one victim of Defendants' guardianship communicated during a psychological evaluation that he: ***[App CC @ 140a]***

> *"...currently wishes to have the guardianship lifted because he feels that it is affecting his basic "liberty issues." He reported that the Guardian's Office had sold his home so that he would not have a home to which to return, so that he would be willing to live at Seville Terrace...He is, however, quite frustrated that he has not yet had an opportunity to see account balances for any of his retirement funds and is also upset that he is only allowed $300.00 per week spending money when he has reported income in excess of $6,000 per month...He is merely frustrated with his lack of independence and lack of control of his monetary funds..."*

Evaluators report:

> *"His score on the dementia screening exam...was 29 of 30, which is considered a normal score, suggesting absence of current signs or symptoms of dementia...It is impossible to conclude that Mr. McCaffrey is suffering from a dementing condition, based upon this normal score...It is the recommendation of both evaluators that Mr. McCaffrey does not fulfill the criteria for guardianship of either his person or his estate."* ***[App CC @ 143a]***

Despite said findings of psychological evaluators, Mr. McCaffrey's guardian, Jared E. Shafer, continued his efforts to prolong Guardianship over Mr. McCaffrey.

APPENDIX "CC" @ 147-148a

IV. PETITIONER IS A VICTIM AS DEFINED BY THE RICO ACT

Petitioner Terry Williams, the Estate of Charles Williams, Sr. and the Charles L. Williams, Sr. Living Trust are "persons" as defined by 18 U.S.C. §1961.

> (3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property; 18 USC §1961(3)

Petitioner contends Defendants' various schemes are calculated to generate illicit "fees," thereby creating unlawful debt. Defendants' investment of said profits via profit sharing, land acquisition, and other activities constitutes violations of 18 U.S.C. §1962. Petitioner and Petitioner's Decedent are "person(s) injured in [their] business or property" as outlined in 18 U.S.C. §1964(c) and may sue in any appropriate United States District Court.

> "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefore in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..." 18 U.S.C. §1964(c)

Petitioner may institute civil action against Defendants in any U.S. District Court for any district in which any Defendant transacts his affairs.

> "(a) Any civil action or proceeding under this chapter against any person may be

> instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs." 18 U.S.C. §1965(a)

Accordingly, Petitioner is entitled to a private right of action against Defendants in the U.S. District Court – Central District of California pursuant to Federal Rule of Civil Procedure 4(k)(1)(C) [App. "G" @ 44a] and 28 U.S.C. § 1965 (R.I.C.O.). [App. "G" @ 41a]

The District Court's failure to recognize and exercise personal jurisdiction over Defendants, deprives Petitioner of the very right conferred by Congress in its efforts to eradicate organized crime.

> "When a civil RICO action is brought in a district court where personal jurisdiction can be established over at least one defendant, summonses can be served nationwide on other defendants if required by the ends of justice." Cory v. Aztec Steel Bldg., Inc., 468 F.3d 1226, 1229-32 (10th Cir. 2006).

V. DEFENDANTS, THE FORUM AND THE LITIGATION

Defendants routinely prey on the estates of elderly and deceased persons in Clark County, Nevada. **[App. X-DD, 118-155]** The effects of Defendants' various schemes are felt nationwide and routinely within the State of California. Pursuant to the effects test in *Calder*, whereby the U.S. Supreme Court treated the jurisdictional statement as a petition for certiorari, "*jurisdiction over petitioners in California is proper because of their intentional*

conduct in Florida calculated to cause injury to respondent in California. Pp. 788-791." [CALDER v. JONES, 465 U.S. 783 (1984)]

Similarly, several Clark County Defendants' concerted efforts in the instant case targeted the check book of Covenant Care, Inc. – a California Corporation. Further, Defendants' efforts were calculated to intercept an asset belonging to a domiciliary estate in the State of Maryland. Defendant Coffing's previous testimony that "*all the Covenant cases are from California*" (**Appendix "P" @ 101a**) and subsequent testimony on April 27, 2009 that "*the parent company is located in California*" evidences the relationship between Defendants, California, and the instant litigation.

The Due Process Clause of the Fourteenth Amendment to the United States Constitution permits personal jurisdiction over a defendant in any State with which the defendant has "*certain minimum contacts . . . such that the maintenance of the suit does not offend `traditional notions of fair play and substantial justice.' Milliken v. Meyer*, 311 U.S. 457, 463." *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). In judging minimum contacts, a court properly focuses on "the relationship among the defendant, the forum, and the litigation." *Shaffer v. Heitner*, 433 U.S. 186, 204 (1977). See also *Rush v. Savchuk*, 444 U.S. 320, 332 (1980). The plaintiff's lack of "contacts" will not defeat otherwise proper jurisdiction, see *Keeton v. Hustler Magazine, Inc.*, ante, at 779-781, but they may be so manifold as to permit jurisdiction when it would not exist in their absence. [*Calder v. Jones*, 465 U.S. 783 (1984)]

VI. RICO VIOLATIONS UNPUNISHED

Crimes committed by Defendants occur on a much larger scale than those addressed in the 1975 conviction of Clark County Public Administrator, Nat Adler. As the original criminal case appears sealed, sufficient evidence of the improprieties appear in two cases: *Adler v. Sheriff*, 92 Nev. 436, 552 P.2d 334 (1976) and *Adler v. State*, 95 Nev. 339, 594 P.2d 725 (1979), to wit:

> *Essentially, Adler asserts that the application of NRS 205.380 to the acts he allegedly committed was unforeseeable. The state contends, and we agree, that this issue was decided in Adler's habeas proceeding wherein we held:*
>
> *We reject Adler's contention that the filing of a false claim in a judicial proceeding cannot constitute a basis for a prosecution for an attempt to obtain money under false pretenses. People v. Wallace*, 178 P.2d 771 (Cal.App. 1947). See also, *De Krasner v. State*, 187 S.E. 402 (Ga.App. 1936); *People v. Hoffman*, 105 N.W. 838 (Mich. 1905).

Plaintiff's efforts to report Defendants' unlawful activities were dismissed repeatedly, until January, 2005, after the Nevada Commission on Ethics announced it would proceed to public hearing on the complaint filed by Plaintiff in December, 2003. An account of Petitioner's repeated presentations, secret "off-the-record" meetings and questionable handling by Las Vegas Metropolitan Police Department is attached as **APPENDIX "EE" @ 156-163a**

Although Petitioner finds no case directly on point, a recent Tenth Circuit opinion appears closest to consideration of factors at issue in the present case.

***Cory v. Aztec Steel Building, Inc.*, 468 F.3d 1226, 1230 (10th Cir. 2006)**

"RICO was intended as a means to eradicate organized crime. See *Organized Crime Control Act of 1970*, Pub.L. No. 91-452, 84 Stat. 922, 923. That purpose is not furthered by withholding nationwide service of process whenever all of the RICO defendants could be hauled into one court for a single trial. While the district court's construction of the "ends of justice" might promote judicial economy, it might also mean that some RICO violations would go unpunished whenever organized criminals operate within the same locale and cause harm in a distant state. Insulating such a criminal enterprise from liability, when, for instance, the victim is unable to finance long-distance litigation, is not consistent with RICO's purpose.

The district court's construction is also not in accord with antitrust legislation. As noted above, the *Clayton, Sherman, and Wilson Tariff Acts* all prescribe an "ends of justice" analysis for allowing "other parties" to be summoned before the court, "whether they reside in the district in which the court is held or not." 15 U.S.C. §§ 5 (Sherman Act), 10 (Wilson Tariff Act), & 22 (Clayton Act). The Supreme Court has rejected the notion that a confluence of defendants within a single judicial district controls the "ends of justice" analysis. See *Standard Oil Co. of N.J. v. United States*, 221 U.S. 1, 46, 31 S.Ct. 502, 55 L.Ed. 619 (1911) (stating that

personal jurisdiction had properly been acquired over nonresident defendants under the Sherman Act's "ends of justice" provision, as one of the many defendants was present within the district); see also *United States v. Standard Oil Co. of N.J.*, 152 F. 290, 296 (C.C.E.D.Mo.1907) (providing further background on the personal jurisdiction issue decided in *Standard Oil*, 221 U.S. at 46, 31 S.Ct. 502, by rejecting the nonresident defendants' argument that "the ends of justice" would be better served if they were summoned into court "in the district of the inhabitancy of a larger number of the defendants"). *Cory v. Aztec Building, Inc.*, 468 F.3d 1226 (10th Cir. 2006)

CONCLUSION

Petitioner sat in the gallery, witnessing oral argument in *Marshall vs. Marshall*, (547 U.S. 293 (2006) in sheer disbelief of her own ordeal. Reassured by the Supreme Court's Justices' concern over the Marshall matter, and relieved by the befitting term, "Probate Mafia," Petitioner was renewed in her faith in the American Justice System. Petitioner, like Vickie Lynn Marshall, fled to California out of fear for her personal safety and in pursuit of justice - only to find further evidence of Defendants' perjury, schematics and enterprise filed in the Los Angeles Superior Court. Said discovery absolutely provided Petitioner an APPROPRIATE District Court in which to litigate her RICO claims. The "Ends of Justice" require Defendants be held accountable such that answers to questions surrounding her father's death, theft of an estate action and silencing of Petitioner's claims finally be answered.

Petitioner prays that Writ of Certiorari be granted.

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 26th day of March, 2010 at Los Angeles, California.

Respectfully submitted,

T. Williams

Terry Williams, Petitioner, Pro Se

APPENDIX A

DENIAL OF MANDAMUS REVIEW

IN THE UNITED STATES
COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 09-72544

In re: TERRY WILLIAMS

TERRY WILLIAMS, Individually and as Personal Representative of the Estate of Charles Williams and Successor Trustee of the Charles L. Williams Living Trust,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (LOS ANGELES),

Respondent,

CLARK COUNTY PUBLIC ADMINISTRATOR; et al.,

Real Parties in Interest.

Petition for Writ of Mandamus from the United States District Court

For the Central District of California
Before CANBY, THOMAS, and IKUTA, Circuit Judges.

Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. United States Dist. Court*, 577 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

No motions for reconsideration, modification, or clarification of this order shall be filed or entertained.

APPENDIX B

DIMISSAL OF APPEAL

IN THE UNITED STATES
COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 09-56116

TERRY WILLIAMS, Individually
and as Personal Representative
of the Estate of Charles Williams
and Successor Trustee of the Charles
L. Williams Living Trust,

Plaintiff-Appellant

and

CHARLES L. WILLIAMS, Sr., Deceased,

Plaintiff,

v.

CLARK COUNTY PUBLIC
ADMINISTRATOR; et al.,

Defendants-Appellees.

Appeal from the United States District Court
For the Central District of California

Before CANBY, THOMAS, and IKUTA, Circuit Judges.

A review of the record indicates that this court lacks jurisdiction over the appeal because a district court order transferring an action from one district to another is not a final, appealable order. *See* 28 U.S.C. §1291; *see also Sunshine Beauty Supplies., v. United States Dist. Ct.*, 872 F.2d 310, 311 (9th Cir. 1989).

All pending motions are denied as moot.

DISMISSED.

APPENDIX C

RULING ON MOTION FOR RECONSIDERATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

No. CV 08-07054-GW(AJWx)

CHARLES L. WILLIAMS, et al.,

Plaintiff(s),

v.

CLARK COUNTY PUBLIC ADMINISTRATOR; et al.,

Defendant(s).

RULING ON MOTION FOR RECONSIDERATION OF ORDER TRANSFERRING CASE TO UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA

BACKGROUND

Plaintiff's Notice of Motion frames the instant motion as a motion for the court to "reconsider and clarify its orders (1) transferring this case to the U.S. District Court in the District of Nevada, (2) denying the Plaintiff's request to conduct jurisdictional discovery, and (3) [granting Defendant's motion to dismiss for] failure to state a claim," which were entered on April 28, 2009. See Doc. No. 46. However, it appears that Plaintiff is primarily seeking reconsideration of this Court's

determinations (1) that it lacks personal jurisdiction over the defendants in this lawsuit, and (2) that venue is improper. It is noted that Plaintiff initially failed to give timely notice under Local Rule 6-1, but, to remedy this defect, Plaintiff asked that this motion be continued from its originally scheduled hearing date of May 28, 2009, to the current date. Any remaining procedural defects are excused for the sake of expedience.

LEGAL STANDARD

A motion for reconsideration brought under Rule 59(e) of the Federal Rules of Civil Procedure, "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered, committed clear error, or if there is an intervening change in controlling law." 389 Orange Street Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999). In the Central District of California, "[a] motion for reconsideration of the decision on any motion may be made only on the grounds of (a) material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or (b) the emergence of the new material facts or a change of law occurring after the time of such decision, or (c) a manifest showing of a failure to consider material facts presented to the Court before such decision." L.R. 7-18. "No motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion." Id.

ANALYSIS

Plaintiff's motion repeats essentially the same arguments presented in opposition to the motion for dismissal, except that she now argues that the Court's order transferring the action to the District of Nevada was improper because one of the defendants, Mark Morrow, is not subject to the personal jurisdiction there. Although the case cited by Plaintiff, Camasso v. Dorado Beach Hotel, Corp., 689 F. Supp. 384 (D. Del. 1988) involved a transfer under 28 U.S.C. §1404(a), it is also a requirement for transfer under both §1406 and §1631 that the transferee court be in a district where the action could have been brought. However, Plaintiff has not offered any evidence in support of her assertion that Morrow is not subject the personal jurisdiction in the state of Nevada, nor any explanation for why this supposed fact was not known to her previously.

Plaintiff has not presented any new evidence or argument in support of her motion for reconsideration of the Court's ruling denying her an opportunity to conduct jurisdictional discovery. There continues to be no basis for an order permitting such discovery.

Finally, no ruling was made with respect to the Rule 12(b)(6) motion. Rather, the Court indicated that, [w]hile [State of Nevada Defendants' and Judicial Officer Defendants'] arguments based on grounds of Judicial Immunity, Eleventh Amendment Immunity and Rooker-Feldman Doctrine are for the most part well taken, the motion should be decided in the transferee Court." (Doc. No. 46, p. 6 of 7).

The Court notes that Plaintiff appears to believe that her personal safety has been jeopardized by the order transferring the case to Nevada. She

has not offered any evidence to indicate that there is an objective basis for this belief. Moreover, as this Court lacks personal jurisdiction over any of the Defendants in this district, the only alternative to transfer would be dismissal of this action. The fact that Plaintiff is fearful of litigating in Nevada does not create personal jurisdiction or proper venue in this district.

In her Reply brief, Plaintiff purports to offer additional "new material facts" that have occurred since the hearing on April 27, 2009, but refers simply to the filing of a lawsuit in United States District Court for the District of Utah. The factual allegations of this lawsuit all pre-date the April 27, 2009, and, in any event, do not appear in any way to suggest that the Court should reconsider or alter its ruling.

For all these reasons, Plaintiff's Motion for Reconsideration is DENIED.

REQUEST FOR CERTIFICATION FOR IMMEDIATE APPEAL

Finally, in her Reply, Plaintiff requests that, in the absence of an order reconsidering its April 28, 2009, rulings, the Court stay its order transferring the case and certify the issue for immediate appeal. This request would appear to be governed by 28 U.S.C. §1292(b), which provides in pertinent part:

> When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of

> opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order.

As Defendants point out in their sur-reply, the order under consideration meets none of these criteria. Thus, Plaintiff's request for certification for immediate appeal is DENIED.

Dated: This 19th day of June, 2009.

/s/ George H. Wu
GEORGE H. WU
United States District Judge

APPENDIX D

TRANSMITTAL LETTER

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

TERRY NAFISI
District Court Executive and
Clerk of Court

To: Clerk, United States District Court
District of Nevada
333 Las Vegas Boulevard South
Las Vegas, NV 89101-7065

Re: Transfer of our Civil Case No. CV 08-7054 GW (AJWx)
Case Title: Charley L. Williams v. Clark County Public Administrator

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our file:

- ☐ Original case file documents are enclosed in paper format.
- ☑ Electronic Documents are accessible through Pacer.
- ☐ Other: _____

Very truly yours,

Clerk, U.S. District Court

Date: April 30, 2009

By: Madelina Guerrero (213) 894-2053
Deputy Clerk

cc: *Counsel of record*

TO BE COMPLETED BY RECEIVING DISTRICT

Please acknowledge receipt via e-mail to appropriate address listed below and provide the case number assigned in your district.

- ☑ Cv_transfer@cacd.uscourts.gov (Los Angeles Office)
- ☐ Cv_filed@cacd.uscourts.gov (Riverside Office)
- ☐ Cv_opened@cacd.uscourts.gov (Santa Ana Office)

Case Number: _____

Clerk, U.S. District Court

Date: _____

By: _____
Deputy Clerk

RECEIPT OF RECEIVING DISTRICT

Case 2:08-cv-07054-GW-AJW Document 53 Filed 05/08/2009 Page 1 of 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel. (213) 894-1565

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

TERRY NAFISI
District Court Executive and
Clerk of Court

To: Clerk, United States District Court
District of Nevada
333 Las Vegas Boulevard South
Las Vegas, NV 89101-7065

2:09-cv-00810 RCJ LRL

Re: Transfer of our Civil Case No. CV 08-7054 GW (AJWx)
Case Title: Charles L. Williams v. Clark County Public Administrator

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our file:

- ☐ Original case file documents are enclosed in paper format.
- ☑ Electronic Documents are accessible through Pacer.
- ☐ Other: _____

Very truly yours,

Clerk, U.S. District Court

Date: April 30, 2009

By: Madelina Guerrero (213) 894-2053
Deputy Clerk

cc: All counsel of record

2009 MAY -8 PM 2:25
CLERK U.S. DIST. COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

TO BE COMPLETED BY RECEIVING DISTRICT

Please acknowledge receipt via e-mail to appropriate address listed below and provide the case number assigned in your district:

- ☑ Civil_cases_routing@cacd.uscourts.gov (Los Angeles Office)
- ☐ Civil_riv@cacd.uscourts.gov (Riverside Office)
- ☐ Civil_sa@cacd.uscourts.gov (Santa Ana Office)

Case Number: 2:09-cv-00810-RCJ-LRL

Clerk, U.S. District Court

Date: 5/6/09

By: J. Swabrecht
Deputy Clerk

G-76 (05/08) TRANSMITTAL LETTER - CIVIL CASE TRANSFER OUT

APPENDIX E

CIVIL COURT MINUTES – TRANSFER

TRANSFER/MADE

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUES – GENERAL

Case No CV 08-7054-GW(AJWx) Date April 28, 2009

Title *Charles L. Williams, et al. v. Clark County Public Administrator, et al.*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez	None Present	
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiffs:
None Present

Attorneys Present for Defendants:
None Present

PROCEEDINGS (IN CHAMBERS): COURT ORDER

The Court's tentative circulated on April 27, 2009, is hereby adopted as the Court's final ruling (attached). Defendants Clark County Public Administrator, Clark County, Nevada, Jared E. Shafer, Clark

County Coroner, Don Ashworth and Las Vegas Metropolitan Police Department's Motion for: (1) Order Dismissing Complaint Against Certain Defendants for Lack of Personal Jurisdiction; and (2) Order Dismissing or, in the Alternative, Transferring Action for Improper venue, filed March 12, 2009 and Defendants State of Nevada, Nevada Commission on Ethics, Stewart Bell and Valorie Stutz-Vega's Motion to Dismiss for (1) Lack of Personal Jurisdiction under FRCP 12(b)(2) and (2) Dismiss, or in the Alternative, Transfer the Action for Improper Venue under FRCP 12(b)(3) and (3) for Failure to State a Claim under FRCP 12(b)(6), filed on March 25, 2009, are hereby **granted**.

This case is ordered transferred to the United States District Court in the District of Nevada.

IT IS SO ORDERED.

_____:_____

Initials of Preparer: JG

Williams v. Clark County Public Administrator. et aI., Case No. CV-08-7054

Rulings on: (1) Motion by Defendants Clark County Public Administrator, Clark County, Nevada, Jared E. Shafer, the Clark County Coroner, Don Ashworth, and the Las Vegas Metropolitan Police Department for (1) Order Dismissing Complaint against Certain Defendants for Lack of Personal Jurisdiction (Fed. R. Civ. P. 12(b)(2); and (2) Order Dismissing, or, in the Alternative, Transferring the Action for Improper Venue (Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. §§ 1391 and 1406); and

(2) Joinder and Motion by Defendants State of Nevada, Nevada Commission of Ethics, Stewart Bell, and Valerie Stutz-Vega to (1) Dismiss for Lack of Personal Jurisdiction; (2) Dismiss, or, in the alternative, Transfer the Action for Improper Venue; and (3) Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6).

I. BACKGROUND

The Complaint in this case was filed on October 24, 2008, Terry Williams, Pro Se, 1) Individually, 2) as the alleged legal representative of the Estate of Charles L. Williams ("Decedent"), and 3) as Successor Trustee of the Charles L. Williams Living Trust. The Complaint alleges sixteen causes of action against fourteen defendants arising out of an alleged improper probate probate proceeding in Nevada relating to the Decedent's Estate. Jurisdiction is proportedly based on federal question, diversity and various federal statutes. The Defendants in this action are Nevada public entities and persons involved in this matter with the probate proceeding, including the State of Nevada, Nevada Commission on Ethics (together, the "State of Nevada Defendants"), Stewart Bell, Valorie Stutz-Vega (together, the Judicial Officer Defendants"), Clark County Public Administrator, Clark County, Nevada ("CCPA"), Jared E. Shafer ("Shafer"), the Clark County Coroner, and Don Ashworth ("Ashworth") (together, the "Clark County Defendants"), and the Las Vegas Metropolitan Police Department ("LVMPD").

The factual allegations of the Complaint are difficult to decipher (at page 15 of her opposition brief, Plaintiff appears to acknowledge this difficulty and requests "leave to amend, such that it be more

intelligible"). Plaintiff appears to allege that the Clark County Defendants interfered with her right to prosecute a medical malpractice claim on behalf of Decedent by "orchstrat[ing]...a phony probate in the Nevada Court" after Decedent's will had been admitted to probate in the State of Maryland, and by filing [an] Estate Claim on behalf of Decedent's Estate unbeknownst to Plaintiff." See Complaint ¶¶ 4, 35. The First Cause of Action alleges a violation of 28 U.S.C. §1738 (the statute that implements the Full Faith and Credit Clause of the U.S. Constitution). The Second Cause of Action requests Declaratory Judgment under 28 U.S.C. §§2201 and 2202. The Third, Fourth and Fifth Causes of Action allege violations of 28 U.S.C. §§1981, 1983 and 1985. The Sixth through Tenth and Twelfth through Fifteenth Causes of Action allege common law tort claims for fraud, breach of fiduciary duty, legal malpractice, "tortuous interference," breach of contract and intentional infliction of emotional distress.[1] The Eleventh Cause of Action seeks an accounting. The Sixteenth Cause of Action alleges violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§1961-1968.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 12(b)(2) permits a court to dismiss a matter for "lack of jurisdiction over the person." When a Defendant moves to dismiss for lack of jurisdiction, the Plaintiff

---

[1] The factual allegations supposedly in support of any of these common law claims (or, for that matter, any of the claims) are mostly incoherent and/or incomplete. The breach of contract claim, for example, does not identify the parties to the contract, nor any contract terms that were supposedly breached.

bears the burden of making a "prima facie showing of jurisdictional facts" to show that the court has jurisdiction over the Defendant. Pebble Beach Co. v. Caddy, 453 F.3d 1151, 1154 (9th Cir. 2006).

Where there is no applicable federal statute governing personal jurisdiction, the district court applies the law of the state in which the district court sits. SEC v. Ross, 504 F.3d 1130, 1138 (9th Cir. 2007). California permits "[a] court of [the] state [to] exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States." Cal. Civ. Proc. C. § 410.10; see also Sher v. Johnson, 911 F.2d 1357, 1361 (9th Cir. 1990) (California's statutory limitation is "coextensive with the outer limits of due process under the state and federal constitutions, as those limits have been defined by the United States Supreme Court"). A court may exercise personal jurisdiction over a nonresident defendant consistently with due process only so long as there exist "minimum contacts" between the defendant and the forum, such that maintenance of the suit "does not offend traditional notions of fair play and substantial justice." Int'l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945) (citations and quotations omitted).

Personal jurisdiction may be either general or specific. See Helicopteros Nacionales De Colombia, S.A. v. Hall, 466 U.S. 408, 414 nn. 8 & 9 (1984). A defendant is present "generally" in the forum when its activities in the state are "substantial" or "continuous and systematic." Sher, 911 F.2d at 1361. Where general jurisdiction does not exist, the Ninth Circuit has established a three-factor test that examines: "[1] the defendant's purposeful conduct towards the forum, [2] the relation between his conduct and the cause of action asserted against him,

and [3] the reasonableness of the exercise of jurisdiction." SEC v. Ross, 504 F.3d at 1138; Yahoo! Inc. v. La Ligue Contre Le Racisme et L'Antisemitisme, 433 F.3d 1199, 1205-06 (9th Cir. 2006). Specific jurisdiction generally exists where the claim for relief arises directly from defendant's contacts with the forum state. See AT&T v. Compagnie Bruxelles Lambert, 94 F.3d 586, 588 (9th Cir. 1996).

III. MOTIONS BY CLARK COUNTY DEFENDANTS AND LVMPD

The First through Fifth, and Fourteenth through Sixteenth, Causes of Action are alleged against all Defendants, including CCPA, Clark County Coroner, and LVMPD. All but the Twelfth Cause of Action are alleged against Defendant Shafer. Defendant Ashworth is included in the First through Eighth and Fourteenth Causes of Action. These Defendants now seek an order under Fed. R. Civ. P.12(b)(2) dismissing Plaintiffs Complaint for lack of personal jurisdiction, or, in the alternative, dismissing (or transferring) the action under Rule 12(b)(3) for improper venue. For the following reasons, the motion to dismiss is GRANTED.

All of the Clark County and LVMPD Defendants were personally served in the state of Nevada. See Declaration of Stephanie A. Barker ("Barker Decl.") ¶¶4-6,10-13; Declaration of Liesl Freedman ("Freedman Decl.") ¶¶3, 6. Defendants assert that neither the Clark County Defendants nor LVMPD engage in "substantial" or "continuous and systematic" activities in California, so there is no basis for general jurisdiction over any defendant. As Plaintiff s claims all arise out of the Defendants'

purported activities in Nevada, there also is no basis for specific jurisdiction. Because Plaintiff has not shown even the existence of "minimum contacts" to satisfy due process, the Court need not address the "reasonableness" of exercising jurisdiction over Defendants. Even if there were minimum contacts, the exercise of jurisdiction over the Clark County Defendants and the LVMPD would be unreasonable in light of the insubstantial connection between the allegations of the Complaint and this forum.

RICO authorizes nationwide service on RICO defendants when it is shown that "the ends of justice" require it. 18 U.S.C. § 1965(b). The "nationwide service provision" of the RICO statute does not provide a basis for personal jurisdiction over any of the defendants. "For nationwide service to be imposed under section 1965(b), the court must have personal jurisdiction over at least one of the participants in the alleged multidistrict conspiracy and the plaintiff must show that there is no other district in which a court will have personal jurisdiction over all of the alleged co-conspirators." Butcher's Union Local No. 498 v. SDC Invest., Inc., 788 F.2d 535,539 (9th Cir. 1986). Even if Plaintiff were able to show that the Court had jurisdiction over one defendant, clearly all of the defendants are amenable to suit in another forum. The Clark County Defendants and LVMPD all are subject to personal service in Nevada. It appears based on the allegations of the Complaint that all of the other named defendants would be subject to personal service in Nevada. None of the alleged events or omissions occurred in California. Accordingly, there is no nationwide personal jurisdiction over the Clark County Defendants or LVMPD with respect to Plaintiffs RICO claim. It is noted that California does

not recognize conspiracy as a basis for acquiring jurisdiction over a party based on the conduct of a coconspirator. See Crea v. Busby, 48 Cal.App.4th 509, 516-517 (1996).

Plaintiff s opposition does not set forth any facts supporting her conclusory assertion that the Defendants (or any of them) engaged in "substantial, continuous, and systematic" activities in California. Her opposition makes no reference whatsoever to Defendants Clark County Public Administrator (other than with respect to Defendant Shafer as the Clark County Public Administrator), Clark County, Nevada, or the Clark County Coroner. There is only one reference each to Defendant Don Ashworth and one reference to LVMPD. Neither reference relates to their activities in California.

The only reference in Plaintiff's Opposition to activities in California by Defendant Shafer concerns work performed by him in a professional capacity in four unrelated California probate proceedings related to the estates of decedents who died in Nevada. These activities do not qualify as "substantial, continuous and systematic" activities in California. Cf., Wolk v. Teledyne Indus., 475 F. Supp. 2d 491,502 (E.D. Pa. 2007) ("An attorney's entry of a court appearance pro hac vice in the forum state, without more, is not substantial enough contact to permit this court to exercise jurisdiction over his person.") (citation omitted). Therefore, there is no basis for the exercise of general personal jurisdiction over Defendant Shafer.

Nor does Plaintiffs Opposition set forth any facts supporting the conclusion that the Plaintiff s claims are related to or arise out of any activities or contacts within California. Accordingly, the requisite "minimum contacts" do not exist as to any defendant,

and there is no personal jurisdiction over any of the defendants pursuant to California Code of Civil Procedure §41 0.1 O. Accordingly, Defendants' motion to dismiss for lack of personal jurisdiction is GRANTED.

Although the Court lacks personal jurisdiction over Defendants, it may still order a change of venue so that jurisdiction may be established in the transferee court. See Goldlawr, Inc. v. Heiman, 369 US. 463 at 466-467 (1962); see also Schwarzer, Tashima & Wagstaffe, California Practice Guide:Federal Civil Procedure Before Trial § 4:589 at 4-70 (2008). For many of the same reasons for there being a lack of personal jurisdiction, venue here is clearly improper. The general venue statute, 28 US.C. § 1391, provides in pertinent part:

> (b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

All of the defendants in this case do not reside in California, thus venue in California cannot be based on 28 US.C. § 1391 (b)(l). None of the events or

omissions giving rise to Plaintiffs claim occurred in California, thus venue in California cannot be based on 28 U.S.C. §1391(b)(2). Finally, the action may be brought in Nevada; thus, venue in California cannot be based on 28 US.C. §1391(b)(3). The only possible basis upon which venue might be considered proper (and only as to Defendant Shafer) is under RICO's venue provision. 18 US.C. § 1965(b) provides that "[a]ny civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs." Under a very liberal interpretation, Plaintiff might be considered to have shown that Shafer "transacts his affairs" in California. Even if this were the case, however, other considerations would clearly warrant transfer of this action to the District of Nevada under § 1406.

Even if no motion for transfer had been made, 28 U.S.C. § 1631 provides a basis for transferring this action to the District of Nevada in lieu of dismissal. Pursuant to 28 US.C. §1631, if a "court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed[.]" Failure to exercise discretion under § 1631 is an abuse of discretion. Miller v. Hambrick, 905 F.2d 259,262 (9th Cir. 1990). As it is clear that there is no basis for the exercise of personal jurisdiction by this Court over Defendants, who have themselves requested transfer, the Court finds that transfer of this action to the District of Nevada would be in the interest of justice.

IV. MOTIONS BY STATE OF NEVADA AND JUDICIAL OFFICER DEFENDANTS

The State of Nevada Defendants and Judicial Officer Defendants are named in the First through Fifth, and Fourteenth through Sixteenth Causes of Action. The Judicial Officer Defendants are additionally included in the Sixth through Eighth Causes of Action. As with the Clark County Defendants and the LVMPD, there are no facts before the Court that would support the exercise of either general or specific jurisdiction over the State of Nevada and Judicial Officer Defendants. Accordingly, the motion by these Defendants to dismiss for lack of personal jurisdiction should also be granted, and the matter transferred to District of Nevada pursuant to either 28 U.S.C. § 1406 and/or 28 U.S.C. § 1631. The Court need not and should not reach Defendants' 12(b)(6) motion. While Defendants' arguments based on grounds of Judicial Immunity, Eleventh Amendment Immunity, and the Rooker-Feldman Doctrine are for the most part well taken, the motion should be decided in the transferee Court.

V. JOINDER BY DEFENDANT TERRY A. COFFING, ESQ. ("COFFING")

On April 21, 2009, Defendant Terry A. Coffing, Esq. ("Coffing") filed two separate documents purporting to join in the motions and oppositions filed by the above Defendants. As the facts giving rise to personal jurisdiction necessarily vary from defendant to defendant, it is difficult to see how Coffing could effectively join in any co-Defendants' motion to dismiss for lack of personal jurisdiction. Accordingly, the Court's finding that there is a lack of personal jurisdiction does not reach Coffing. Coffing would, however, necessarily be affected by

any order transferring the case to Nevada (at which time, any argument regarding this Court's lack of personal jurisdiction over him would be rendered moot).

VI. PLAINTIFF'S REQUESTS FOR ORDER TO CONDUCT JURISDICTIONAL DISCOVERY AND LEAVE TO FILE FIRST AMENDED COMPLAINT

Although they are not addressed in her memorandum, nor accompanied by any Notice of Motion, the caption of Plaintiff s Supplemental Points and Authorities includes requests to conduct jurisdictional discovery and a request for leave to file a First Amended Complaint. Plaintiff has not come close to showing that jurisdictional discovery is warranted. See Central States, Southeast & Southwest Areas Pension Fund v. Reimer Express World Corp. 230 F.3d 934, 946 (7th Cir. 2000) (plaintiff not entitled to jurisdictional discovery without making a "colorable or prima facie showing of personal jurisdiction"); Carefirst of Maryland, Inc. v. Carefirst Pregnancy Ctrs., Inc., 334 F.3d 390, 402-403 (4th Cir. 2003) ("When a plaintiff offers only speculation or conclusory assertions about contacts with a forum state, a court is within its discretion in denying jurisdictional discovery.").

With respect to the issue of whether Plaintiff may amend her Complaint, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. See Fed. R. Civ. P. 15(a). Motions to dismiss are not responsive pleadings within the meaning of Rule15(a). Miles v. Dep't of Army, 881 F.2d 777, 781 (9th Cir. 1989). However, any amended pleading should be filed with the District Court in the District of Nevada.

VII. CONCLUSION

For the foregoing reasons, the motions to dismiss for lack of personal jurisdiction and to change venue are GRANTED, and this case is ordered transferred to the United States District Court in the District of Nevada.

Dated: This 28th day of April, 2009.

/s/
GEORGE H. WU
United States District Judge

APPENDIX F

CIVIL COURT MINUTES
MATTER TAKEN UNDER SUBMISSION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUES – GENERAL

Case No CV 08-7054-GW(AJWx) Date April 27, 2009

Title *Charles L. Williams, et al. v. Clark County Public Administrator, et al.*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez	Wil Wilcox	
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiffs:
Terry Williams, in pro per

Attorneys Present for Defendants:
Jill Davis, NVAG
Robert M. Anderson
Terry A. Coffing, in pro per

PROCEEDINGS:

DEFENDANTS CLARK COUNTY PUBLIC ADMINISTRATOR, CLARK COUNTY, NEVADA, JARED E. SHAFER, CLARK COUNTY CORONER, DON ASHWORTH AND LAS VEGAS

METROPOLITAN POLICE DEPARTMENT'S MOTION FOR: (1) ORDER DISMISSING COMPLAINT AGAINST CERTAIN DEFENDANTS FOR LACK OF PERSONAL JURISDICTION; AND (2) ORDER DISMISSING OR, IN THE ALTERNATIVE, TRANSFERRING ACTION FOR IMPROPER VENUE (filed 03/12/09)

DEFENDANTS STATE OF NEVADA, NEVADA COMMISSION ON ETHICS, STEWART BELL AND VALORIE STUTZ-VEGA'S MOTION TO DISMISS FOR (1) LACK OF PERSONAL JURISDICTION UNDER FRCP 12(b)(2) AND (2) DISMISS, OR IN THE ALTERNATIVE, TRANSFER THE ACTION FOR IMPROPER VENUE UNDER FRCP 12(b)(3) AND (3) FOR FAILURE TO STATE A CLAIM UNDER FRCP 12(b)(6) (filed 03/25/09)

Hearing is held. Court and counsel confer.

For reasons stated on the record, the above-entitled motions are hereby **taken under submission.** Court to issue ruling.

IT IS SO ORDERED.

_____ : 15
Initials of Preparer: JG

Williams v. Clark County Public Administrator. et al., Case No. CV-08-7054

Tentative Rulings on: (1) Motion by Defendants Clark County Public Administrator,

Clark County, Nevada, Jared E. Shafer, the Clark County Coroner, Don Ashworth, and the Las Vegas Metropolitan Police Department for (1) Order Dismissing Complaint against Certain Defendants for Lack of Personal Jurisdiction (Fed. R. Civ. P. 12(b)(2); and (2) Order Dismissing, or, in the Alternative, Transferring the Action for Improper Venue (Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. §§ 1391 and 1406); and

(2) Joinder and Motion by Defendants State of Nevada, Nevada Commission of Ethics,
Stewart Bell, and Valerie Stutz-Vega to (1) Dismiss for Lack of Personal Jurisdiction; (2)
Dismiss, or, in the alternative, Transfer the Action for Improper Venue; and (3) Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6).

I. BACKGROUND

The Complaint in this case was filed on October 24, 2008, Terry Williams, Pro Se, 1) Individually, 2) as the alleged legal representative of the Estate of Charles L. Williams ("Decedent"), and 3) as Successor Trustee of the Charles L. Williams Living Trust. The Complaint alleges sixteen causes of action against fourteen defendants arising out of an alleged improper probate probate proceeding in Nevada relating to the Decedent's Estate. Jurisdiction is proportedly based on federal question, diversity and various federal statutes. The Defendants in this action are Nevada public entities and persons involved in this matter with the probate proceeding, including the State of Nevada, Nevada Commission on Ethics (together, the "State of Nevada Defendants"), Stewart Bell, Valorie Stutz-Vega (together, the Judicial Officer Defendants"), Clark County Public Administrator, Clark County,

Nevada ("CCPA"), Jared E. Shafer ("Shafer"), the Clark County Coroner, and Don Ashworth ("Ashworth") (together, the "Clark County Defendants"), and the Las Vegas Metropolitan Police Department ("LVMPD").

The factual allegations of the Complaint are difficult to decipher (at page 15 of her opposition brief, Plaintiff appears to acknowledge this difficulty and requests "leave to amend, such that it be more intelligible"). Plaintiff appears to allege that the Clark County Defendants interfered with her right to prosecute a medical malpractice claim on behalf of Decedent by "orchstrat[ing]...a phony probate in the Nevada Court" after Decedent's will had been admitted to probate in the State of Maryland, and by filing [an] Estate Claim on behalf of Decedent's Estate unbeknownst to Plaintiff." See Complaint ¶¶ 4, 35. The First Cause of Action alleges a violation of 28 U.S.C. §1738 (the statute that implements the Full Faith and Credit Clause of the U.S. Constitution). The Second Cause of Action requests Declaratory Judgment under 28 U.S.C. §§2201 and 2202. The Third, Fourth and Fifth Causes of Action allege violations of 28 U.S.C. §§1981, 1983 and 1985. The Sixth through Tenth and Twelfth through Fifteenth Causes of Action allege common law tort claims for fraud, breach of fiduciary duty, legal malpractice, "tortuous interference," breach of contract and intentional infliction of emotional distress.[1] The Eleventh Cause of Action seeks an

---

[1] The factual allegations supposedly in support of any of these common law claims (or, for that matter, any of the claims) are mostly incoherent and/or incomplete. The breach of contract claim, for example, does not identify the parties to the contract, nor any contract terms that were supposedly breached.

accounting. The Sixteenth Cause of Action alleges violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§1961-1968.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 12(b)(2) permits a court to dismiss a matter for "lack of jurisdiction over the person." When a Defendant moves to dismiss for lack of jurisdiction, the Plaintiff bears the burden of making a "prima facie showing of jurisdictional facts" to show that the court has jurisdiction over the Defendant. Pebble Beach Co. v. Caddy, 453 F.3d 1151, 1154 (9th Cir. 2006).

Where there is no applicable federal statute governing personal jurisdiction, the district court applies the law of the state in which the district court sits. SEC v. Ross, 504 F.3d 1130, 1138 (9th Cir. 2007). California permits "[a] court of [the] state [to] exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States." Cal. Civ. Proc. C. § 410.10; see also Sher v. Johnson, 911 F.2d 1357, 1361 (9th Cir. 1990) (California's statutory limitation is "coextensive with the outer limits of due process under the state and federal constitutions, as those limits have been defined by the United States Supreme Court"). A court may exercise personal jurisdiction over a nonresident defendant consistently with due process only so long as there exist "minimum contacts" between the defendant and the forum, such that maintenance of the suit "does not offend traditional notions of fair play and substantial justice." Int'l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945) (citations and quotations omitted).

Personal jurisdiction may be either general or specific. See Helicopteros Nacionales De Colombia,

S.A. v. Hall, 466 U.S. 408, 414 nn. 8 & 9 (1984). A defendant is present "generally" in the forum when its activities in the state are "substantial" or "continuous and systematic." Sher, 911 F.2d at 1361. Where general jurisdiction does not exist, the Ninth Circuit has established a three-factor test that examines: "[1] the defendant's purposeful conduct towards the forum, [2] the relation between his conduct and the cause of action asserted against him, and [3] the reasonableness of the exercise of jurisdiction." SEC v. Ross, 504 F.3d at 1138; Yahoo! Inc. v. La Ligue Contre Le Racisme et L'Antisemitisme, 433 F.3d 1199, 1205-06 (9th Cir. 2006). Specific jurisdiction generally exists where the claim for relief arises directly from defendant's contacts with the forum state. See AT&T v. Compagnie Bruxelles Lambert, 94 F.3d 586, 588 (9th Cir. 1996).

III. MOTIONS BY CLARK COUNTY DEFENDANTS AND LVMPD

The First through Fifth, and Fourteenth through Sixteenth, Causes of Action are alleged against all Defendants, including CCPA, Clark County Coroner, and LVMPD. All but the Twelfth Cause of Action are alleged against Defendant Shafer. Defendant Ashworth is included in the First through Eighth and Fourteenth Causes of Action. These Defendants now seek an order under Fed. R. Civ. P.12(b)(2) dismissing Plaintiffs Complaint for lack of personal jurisdiction, or, in the alternative, dismissing (or transferring) the action under Rule 12(b)(3) for improper venue. For the following reasons, the motion to dismiss is GRANTED.

All of the Clark County and LVMPD Defendants were personally served in the state of

Nevada. See Declaration of Stephanie A. Barker ("Barker Decl.") ¶¶ 4-6,10-13; Declaration of Liesl Freedman ("Freedman Decl.") ¶¶ 3, 6. Defendants assert that neither the Clark County Defendants nor LVMPD engage in "substantial" or "continuous and systematic" activities in California, so there is no basis for general jurisdiction over any defendant. As Plaintiff s claims all arise out of the Defendants' purported activities in Nevada, there also is no basis for specific jurisdiction. Because Plaintiff has not shown even the existence of "minimum contacts" to satisfy due process, the Court need not address the "reasonableness" of exercising jurisdiction over Defendants. Even if there were minimum contacts, the exercise of jurisdiction over the Clark County Defendants and the LVMPD would be unreasonable in light of the insubstantial connection between the allegations of the Complaint and this forum.

RICO authorizes nationwide service on RICO defendants when it is shown that "the ends of justice" require it. 18 U.S.C. § 1965(b). The "nationwide service provision" of the RICO statute does not provide a basis for personal jurisdiction over any of the defendants. "For nationwide service to be imposed under section 1965(b), the court must have personal jurisdiction over at least one of the participants in the alleged multidistrict conspiracy and the plaintiff must show that there is no other district in which a court will have personal jurisdiction over all of the alleged co-conspirators." Butcher's Union Local No. 498 v. SDC Invest., Inc., 788 F.2d 535,539 (9th Cir. 1986). Even if Plaintiff were able to show that the Court had jurisdiction over one defendant, clearly all of the defendants are amenable to suit in another forum. The Clark County Defendants and LVMPD all are subject to personal

service in Nevada. It appears based on the allegations of the Complaint that all of the other named defendants would be subject to personal service in Nevada. None of the alleged events or omissions occurred in California. Accordingly, there is no nationwide personal jurisdiction over the Clark County Defendants or LVMPD with respect to Plaintiffs RICO claim. It is noted that California does not recognize conspiracy as a basis for acquiring jurisdiction over a party based on the conduct of a coconspirator. See Crea v. Busby, 48 Cal.App.4th 509, 516-517 (1996).

Plaintiff s opposition does not set forth any facts supporting her conclusory assertion that the Defendants (or any of them) engaged in "substantial, continuous, and systematic" activities in California. Her opposition makes no reference whatsoever to Defendants Clark County Public Administrator (other than with respect to Defendant Shafer as the Clark County Public Administrator), Clark County, Nevada, or the Clark County Coroner. There is only one reference each to Defendant Don Ashworth and one reference to LVMPD. Neither reference relates to their activities in California.

The only reference in Plaintiff's Opposition to activities in California by Defendant Shafer concerns work performed by him in a professional capacity in four unrelated California probate proceedings related to the estates of decedents who died in Nevada. These activities do not qualify as "substantial, continuous and systematic" activities in California. Cf., Wolk v. Teledyne Indus., 475 F. Supp. 2d 491,502 (E.D. Pa. 2007) ("An attorney's entry of a court appearance pro hac vice in the forum state, without more, is not substantial enough contact to permit this court to exercise jurisdiction over his

person.") (citation omitted). Therefore, there is no basis for the exercise of general personal jurisdiction over Defendant Shafer.

Nor does Plaintiffs Opposition set forth any facts supporting the conclusion that the Plaintiff s claims are related to or arise out of any activities or contacts within California. Accordingly, the requisite "minimum contacts" do not exist as to any defendant, and there is no personal jurisdiction over any of the defendants pursuant to California Code of Civil Procedure §41 0.1 O. Accordingly, Defendants' motion to dismiss for lack of personal jurisdiction is GRANTED.

Although thc Court lacks personal jurisdiction over Defendants, it may still order a change of venue so that jurisdiction may be established in the transferee court. See Goldlawr, Inc. v. Heiman, 369 US. 463 at 466-467 (1962); see also Schwarzer, Tashima & Wagstaffe, California Practice Guide:Federal Civil Procedure Before Trial § 4:589 at 4-70 (2008). For many of the same reasons for there being a lack of personal jurisdiction, venue here is clearly improper. The general venue statute, 28 US.C. § 1391, provides in pertinent part:

> (b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of

> the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

All of the defendants in this case do not reside in California, thus venue in California cannot be based on 28 US.C. § 1391 (b)(l). None of the events or omissions giving rise to Plaintiffs claim occurred in California, thus venue in California cannot be based on 28 U.S.C. §1391(b)(2). Finally, the action may be brought in Nevada; thus, venue in California cannot be based on 28 US.C. §1391(b)(3). The only possible basis upon which venue might be considered proper (and only as to Defendant Shafer) is under RICO's venue provision. 18 US.C. § 1965(b) provides that "[a]ny civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs." Under a very liberal interpretation, Plaintiff might be considered to have shown that Shafer "transacts his affairs" in California. Even if this were the case, however, other considerations would clearly warrant transfer of this action to the District of Nevada under § 1406.

Even if no motion for transfer had been made, 28 U.S.C. § 1631 provides a basis for transferring this action to the District of Nevada in lieu of dismissal. Pursuant to 28 US.C. §1631, if a "court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed[.]" Failure to exercise discretion under §

1631 is an abuse of discretion. Miller v. Hambrick, 905 F.2d 259,262 (9th Cir. 1990). As it is clear that there is no basis for the exercise of personal jurisdiction by this Court over Defendants, who have themselves requested transfer, the Court finds that transfer of this action to the District of Nevada would be in the interest of justice.

IV. MOTIONS BY STATE OF NEVADA AND JUDICIAL OFFICER DEFENDANTS

The State of Nevada Defendants and Judicial Officer Defendants are named in the First through Fifth, and Fourteenth through Sixteenth Causes of Action. The Judicial Officer Defendants are additionally included in the Sixth through Eighth Causes of Action. As with the Clark County Defendants and the LVMPD, there are no facts before the Court that would support the exercise of either general or specific jurisdiction over the State of Nevada and Judicial Officer Defendants. Accordingly, the motion by these Defendants to dismiss for lack of personal jurisdiction should also be granted, and the matter transferred to District of Nevada pursuant to either 28 U.S.C. § 1406 and/or 28 U.S.C. § 1631. The Court need not and should not reach Defendants' 12(b)(6) motion. While Defendants' arguments based on grounds of Judicial Immunity, Eleventh Amendment Immunity, and the Rooker-Feldman Doctrine are for the most part well taken, the motion should be decided in the transferee Court.

V. JOINDER BY DEFENDANT TERRY A. COFFING, ESQ. ("COFFING")

On April 21, 2009, Defendant Terry A. Coffing, Esq. ("Coffing") filed two separate documents purporting to join in the motions and oppositions

filed by the above Defendants. As the facts giving rise to personal jurisdiction necessarily vary from defendant to defendant, it is difficult to see how Coffing could effectively join in any co-Defendants' motion to dismiss for lack of personal jurisdiction. Accordingly, the Court's finding that there is a lack of personal jurisdiction does not reach Coffing. Coffing would, however, necessarily be affected by any order transferring the case to Nevada (at which time, any argument regarding this Court's lack of personal jurisdiction over him would be rendered moot).

VI. PLAINTIFF'S REQUESTS FOR ORDER TO CONDUCT JURISDICTIONAL DISCOVERY AND LEAVE TO FILE FIRST AMENDED COMPLAINT

Although they are not addressed in her memorandum, nor accompanied by any Notice of Motion, the caption of Plaintiff s Supplemental Points and Authorities includes requests to conduct jurisdictional discovery and a request for leave to file a First Amended Complaint. Plaintiff has not come close to showing that jurisdictional discovery is warranted. See Central States, Southeast & Southwest Areas Pension Fund v. Reimer Express World Corp. 230 F.3d 934, 946 (7th Cir. 2000) (plaintiff not entitled to jurisdictional discovery without making a "colorable or prima facie showing of personal jurisdiction"); Carefirst of Maryland, Inc. v. Carefirst Pregnancy Ctrs., Inc., 334 F.3d 390, 402-403 (4th Cir. 2003) ("When a plaintiff offers only speculation or conclusory assertions about contacts with a forum state, a court is within its discretion in denying jurisdictional discovery.").

With respect to the issue of whether Plaintiff may amend her Complaint, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. See Fed. R. Civ. P. 15(a). Motions to dismiss are not responsive pleadings within the meaning of Rule15(a). Miles v. Dep't of Army, 881 F.2d 777, 781 (9th Cir. 1989). However, any amended pleading should be filed with the District Court in the District of Nevada.

VII. CONCLUSION

For the foregoing reasons, the motions to dismiss for lack of personal jurisdiction and to change venue are GRANTED, and this case is ordered transferred to the United States District Court in the District of Nevada.

APPENDIX G

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

RACKETEERING INFLUENCED CORRUPT ORGANIZATION

18 U.S.C. §1961

Section 1965 of Title 18 of the United States Code provides in relevant part:

(1) "racketeering activity" means (A) any act or threat involving robbery, bribery, extortion, ... which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), ...section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 1028 (relating to fraud and related activity in connection with identification documents), ...section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), ...section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), ...section 1546 (relating to fraud and misuse of visas, permits, and other documents), ...section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), ... section 1960 (relating to illegal money transmitters), ...(E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, ...or (G) any act that is

indictable under any provision listed in section 2332b (g)(5)(B);
(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;
(3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property;
(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;
(5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;
(6) "unlawful debt" means a debt
(A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and
(B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate; ...
(7) "racketeering investigator" means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;
(8) "racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or

decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;
(9) "documentary material" includes any book, paper, document, record, recording, or other material; and
(10) "Attorney General" includes the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

18 U.S.C. §1962(c)(d)

Section 1962 of Title 18 of the United States Code provides in relevant part:

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.
(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

18 U.S.C. §1964(a)(c)

Section 1964 of Title 18 of the United States Code provides in relevant part:

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, ...

18 U.S.C. §1965 - Venue and process

Section 1965 of Title 18 of the United States Code provides in relevant part:

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to

be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.
(c) In any civil or criminal action or proceeding instituted by the United States under this chapter in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.
(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

28 U.S.C. § 1738 - State and Territorial statutes and judicial proceedings; full faith and credit

Section 1738 of Title 28 of the United States Code provides in relevant part:

The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

The records and judicial proceedings of any court of any such State, Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of

the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

28 U.S.C. §1406 – Cure or waiver of defects

Section 1406 of Title 28 of the United States Code provides in relevant part:

> (a) The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

28 U.S.C. §1631 – Transfer to cure want of jurisdiction

Section 1631 of Title 28 of the United States Code provides in relevant part:

> Whenever a civil action is filed in a court ... and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or

> noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.

Federal Rule of Civil Procedure §4(k)(1)(c) – Territorial Limits of Effective Service

Section **4(k)(1)(c)** of the Federal Rules of Civil Procedures in relevant part:

> **(k) Territorial Limits of Effective Service.**
>
> **(1) In General.**
>
> Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:
>
> ... or
>
> (C) when authorized by a federal statute.

NEVADA REVISED STATUTES

NRS 140.010 Causes for appointment. The court shall appoint a special administrator to collect and take charge of the estate of the decedent, in whatever county or counties the estate may be found, and to exercise such other powers as may be necessary to preserve the estate:

1. If there is a delay in granting letters testamentary or letters of administration, from any cause.
2. If letters are granted irregularly.

3. If no sufficient bond is filed as required by the court.

4. If no petition is filed for letters.

5. If an executor or administrator dies or is suspended or removed, and the circumstances of the estate require the immediate appointment of a personal representative.

6. If there may be no assets subject to administration but good cause exists for the appointment of a personal representative of the decedent.

7. ***In any other proper case.*** [82:107:1941; 1931 NCL § 9882.82]—(NRS A 1999, 2275)

NRS 140.020 Notice and order of appointment; *order not appealable.*

1. The appointment of a special administrator may be made at chambers or in open court, and without notice or upon such notice to such interested persons as the court deems reasonable, and must be made by entry upon the minutes of the court or by written order signed and filed, which must specify the powers to be exercised by the special administrator.

2. Upon the filing of the order, and after the person appointed has given bond if fixed by the court, the clerk shall issue special letters of administration, with a copy of the order attached.

3. In making the appointment of a special administrator, the court may give preference to the person or persons entitled to letters testamentary or letters of administration, but no appeal may be taken from the appointment. [83:107:1941; 1931 NCL § 9882.83] + [84:107:1941; 1931 NCL § 9882.84]—(NRS A 1999, 2276)

NRS 205.380 Obtaining money, property, rent or labor by false pretenses.

1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

(a) If the value of the thing or labor fraudulently obtained was $250 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution... [1911 C&P § 439; A 1951, 29]—(NRS A 1967, 504; 1977, 1416; 1979, 1072, 1446, 1713; 1981, 2017; 1985, 251, 456; 1989, 1436; 1993, 1518; 1995, 1224, 1997, 9; 1999, 397; 2005, 1082)

NRS 199.150 Attempt to suborn perjury. Every person who, without giving, offering or promising a bribe, shall incite or attempt to procure another to commit perjury, or to offer any false evidence, or to withhold true testimony, though no perjury be committed or false evidence offered or true testimony withheld, shall be guilty of a gross misdemeanor. [1911 C&P § 86; RL § 6351; NCL § 10035]

NRS 199.230 Preventing or dissuading person from testifying or producing evidence. A person who, by persuasion, force, threat, intimidation, deception or otherwise, and with the intent to obstruct the course of justice, prevents or attempts to prevent another person from appearing before any court, or person authorized to subpoena witnesses, as a witness in any action, investigation or other official

proceeding, or causes or induces another person to absent himself from such a proceeding or evade the process which requires him to appear as a witness to testify or produce a record, document or other object, shall be punished:

1. Where physical force or the immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Where no physical force or immediate threat of physical force is used, for a gross misdemeanor.

[1911 C&P § 94; RL § 6359; NCL § 10043]—(NRS A 1967, 465; 1979, 1421; 1983, 1683; 1995, 1175)

NRS 199.240 Bribing or intimidating witness to influence testimony. A person who:

1. Gives, offers or promises directly or indirectly any compensation, gratuity or reward to any witness or person who may be called as a witness in an official proceeding, upon an agreement or understanding that his testimony will be thereby influenced; or

2. Uses any force, threat, intimidation or deception with the intent to:

(a) Influence the testimony of any witness or person who may be called as a witness in an official proceeding;

(b) Cause or induce him to give false testimony or to withhold true testimony; or

(c) Cause or induce him to withhold a record, document or other object from the proceeding,

is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $50,000.

[1911 C&P § 56; RL § 6321; NCL § 10005] –(NRS A 1967, 465; 1979, 1421; 1983, 1683; 1995, 1176)

NRS 199.242 Limitations on defenses to prosecution for influencing testimony of witness. It is not a defense to a prosecution under NRS 199.230 or 199.240 to show that:

1. An official proceeding was not pending or about to be instituted; or

2. The testimony sought or the record, document or other object to have been produced would have been legally privileged or inadmissible in evidence.

(Added to NRS by 1983, 1682; A 1985, 247)

NRS 199.305 Preventing or dissuading victim, person acting on behalf of victim, or witness from reporting crime, commencing prosecution or causing arrest.

1. A person who, by intimidating or threatening another person, prevents or dissuades a victim of a crime, a person acting on his behalf or a witness from:

(a) Reporting a crime or possible crime to a:

(1) Judge;

(2) Peace officer;

(3) Parole or probation officer;

(4) Prosecuting attorney;

(5) Warden or other employee at an institution of the Department of Corrections; or

(6) Superintendent or other employee at a juvenile correctional institution;

(b) Commencing a criminal prosecution or a proceeding for the revocation of a parole or probation, or seeking or assisting in such a prosecution or proceeding; or

(c) Causing the arrest of a person in connection with a crime,[1] or who hinders or delays such a victim, agent or witness in his effort to carry out any

of those actions is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. As used in this section, "victim of a crime" means a person against whom a crime has been committed. (Added to NRS by 1983, 1682; A 1995, 1177; 2001 Special Session, 228)

NRS 199.310 Malicious prosecution. A person who maliciously and without probable cause therefor, causes or attempts to cause another to be arrested or proceeded against for any crime of which he is innocent:

1. If the crime is a felony, is guilty of a category D felony and shall be punished as provided in NRS 193.130; and

2. If the crime is a gross misdemeanor or misdemeanor, is guilty of a misdemeanor. [1911 C&P § 100; RL § 6365; NCL § 10049] (NRS A 1967, 466; 1979, 1423; 1995, 1178)

NRS 199.320 Inducing lawsuit. Every person who shall on his behalf bring or instigate, incite or encourage another to bring, any false suit at law or in equity, in any court of this State, with intent thereby to distress or harass a defendant therein, shall be guilty of a misdemeanor. [1911 C&P § 101; RL § 6366; NCL § 10050]

NRS 199.360 ~~Fraudulent pretenses relative to birth of infant~~; *false representation of entitlement to interest or share in estate of deceased person*. ~~A person who fraudulently or falsely pretends that any infant child was born of a parent whose child is or would be entitled to inherit real property or to receive any personal property,~~ or who falsely represents himself or another to be a

person entitled to an interest or share in the estate of a deceased person as executor, administrator, husband, wife, heir, legatee, devisee, next of kin or relative of the deceased person, is guilty of a category D felony and shall be punished as provided in NRS 193.130. [1911 C&P § 105; RL § 6370; NCL § 10054]—(NRS A 1979, 1423; 1995, 1178)

NRS 199.380 Instituting suit in name of another. Every person who shall institute or prosecute any action or other proceeding in the name of another, without his consent and contrary to law, shall be guilty of a gross misdemeanor. [1911 C&P § 107; RL § 6372; NCL § 10056]

NRS 199.410 Combination to resist process. Every person who shall enter into a combination with another to resist the execution of any legal process or other mandate of a court of competent jurisdiction, under circumstances not amounting to a riot, shall be guilty of a gross misdemeanor. [1911 C&P § 340; RL § 6605; NCL § 10288]

NRS 205.390 Obtaining signature by false pretense. A person who, with the intent to cheat or defraud another, designedly by color or aid of any false token or writing or other false pretense, representation or presentation obtains the signature of any person to a written instrument is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution. [1911 C&P § 440; RL § 6705; NCL § 10393]—(NRS A 1967, 505; 1995, 1225)

APPENDIX H

MARYLAND LETTERS OF ADMINISTRATION

State of Maryland

LETTERS OF ADMINISTRATION OF A SMALL ESTATE

Estate No 62523

I certify that administration of the Estate of

CHARLES L WILLIAMS

was granted on the 25th day of November, 2002

to TERRY WILLIAMS

as personal representative(s) and the appointment is in effect

this 25th day of November, 2002

☑ Will probated 11/25/2002 (Date)

☐ Intestate estate.

☐ Unprobated Will - Probate Not Required

Mary W Conaway

MARY W CONAWAY
Register of Wills for
Baltimore City

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

RW 1107

PS-3563

MARYLAND ORDER FOR PROBATE

IN THE ORPHANS' COURT FOR

(OR) Baltimore City, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF
CHARLES L WILLIAMS

ESTATE NO 62523

ORDER FOR SMALL ESTATE

Upon the foregoing Petition, it is this 25TH day of NOVEMBER, 2002, by the Register of Wills ordered that

1. The estate of CHARLES L WILLIAMS shall be administered as a small estate
2. TERRY WILLIAMS shall serve as personal representative(s)
3. The personal representative shall pay fees due the register, expenses of administration, allowable funeral expenses, and statutory family allowances, and, if necessary, sell property of the decedent in order to pay them
4. The will dated 09/18/2002 (including codicils, if any, dated) accompanying the petition is,
   - [x] admitted to probate, or
   - [ ] retained on file only

   COPY
5. Publication is
   - [ ] not required, or
   - [x] required and Notice of Appointment shall be published once in a newspaper of general circulation in the county
6. When publication is required, the personal representative shall, subject to the statutory order of priorities and the resolution of disputed claims by the parties or by the court, (a) pay all proper claims, expenses and allowances not previously paid, (b) if necessary, sell property of the estate in order to do so, (c) distribute the remaining property of the estate in accordance with the will or, if none, with the intestacy laws of this State, and (d) file a certificate of compliance with the register pursuant to Rule 6-211 within 60 days after the expiration of the time for filing claims

Mary W. Conaway /Issued/
MARY W CONAWAY
Register of Wills

This order does not constitute letters of administration and does not authorize the transfer of assets.

I hereby certify that on this 25TH day of NOVEMBER 2002, I ~~delivered~~ or mailed postage prepaid, a copy of the foregoing Order to TERRY WILLIAMS
Name

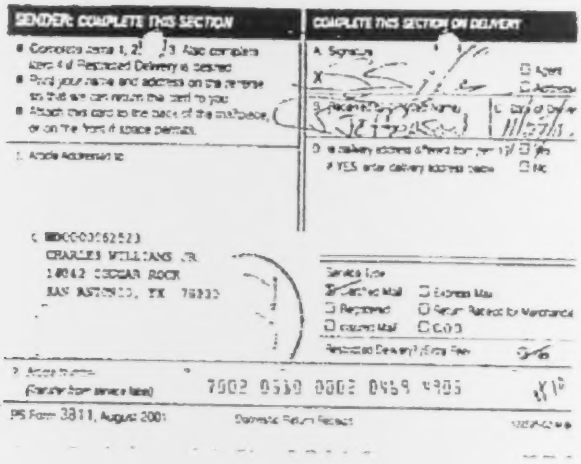
505 E WINDMILL LANE #18-260 LAS VEGAS NV 89123 Personal Representative(s)

Mary W. Conaway/Issued/
MARY W CONAWAY
Register of Wills

RW 1108
Rev. 10/97

PS 3564

RETURN RECEIPTS RE: MARYLAND NOTICE TO INTERESTED PARTIES



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHARLES WILLIAMS JR
14042 CEDAR ROCK
SAN ANTONIO, TX 78233

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

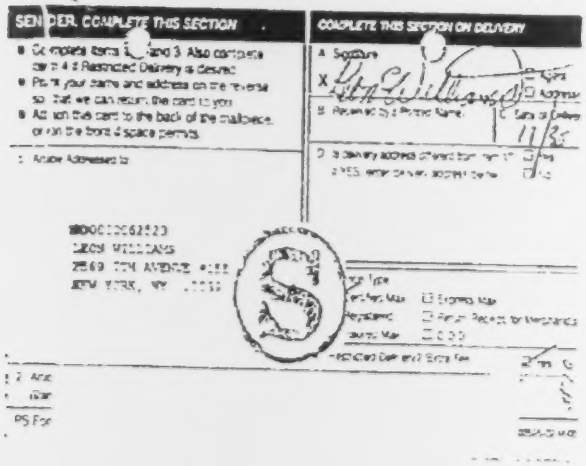
Insured Mail C.O.D.

Restricted Delivery? (Extra Fee)

2. Article Number (Transfer from service label)

7002 0510 0002 0459 4905

PS Form 3811, August 2001 Domestic Return Receipt



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHARLES WILLIAMS
2569 10TH AVENUE
NEW YORK, NY

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

Restricted Delivery? (Extra Fee)

2. Article

PS Form

APPENDIX I
POST-INVESTIGATION EVENTS TIMELINE PREPARED BY NEVADA COMMISSION ON ETHICS STAFF

EVENTS TIMELINE

(Prepared by NCOE staff)

Date	Activity
12/31/02	Counsel Arthur Augustine, representing Charles Williams, Jr., faxes Nursing Home Justice Center (NHJC) re: autopsy and investigation report relating to the death of Charles Wilhams, Sr. Autopsy report lists Terry Wilhams as next of kin (See Shafer Exhibit B) NOTE: Counsel Augustine and Mark Marrow from NHJC should have known from the summary of investigation that Terry Williams was next of kin and a Nevada resident and therefore they did not need to include Jared Shafer as the Nevada resident Special Administrator to file a suit for wrongful death
01/02/03	Counsel Augustine calls Terry Coffing at NHJC to file wrongful death action in Nevada
01/02/03	Terry Coffing contacts Elyse Tyrell to set up estate in Nevada and to obtain resident Administrator for Nevada wrongful death action
01/02/03	Elyse Tyrell contacts Jared Shafer to ask him to be Nevada resident Special Administrator for wrongful death (See NCOE Exhibit G, affidavit of Elyse Tyrell)
01/02/03	Jared Shafer accepts the appointment during phone call (See NCOE Exhibit G, affidavit of Jared Shafer)
01/02/03	NHJC faxes Authority to Represent to Elyse Tyrell at 10:56 a.m. with signature of Charles Williams Jr (See NCOE Exhibit P)
01/02/03	Jared Shafer signs petition for special administrator notarized by Diane Frank on 01/02/03 (See NCOE Exhibit L)
01/03/03	Arthur Augustine faxes NHJC with names and addresses of children of Charles Williams, Sr., including Terry Williams - a Las Vegas resident (See Shafer Exhibit D)

APPENDIX I
POST-INVESTIGATION EVENTS TIMELINE
PREPARED BY
NEVADA COMMISSION ON ETHICS STAFF

EVENTS TIMELINE
(Prepared by NCOE staff)

Date	Activity
12/31/02	Counsel Arthur Augustine, representing Charles Williams, Jr., faxes Nursing Home Justice Center (NHJC) re: autopsy and investigation report relating to the death of Charles Williams, Sr. Autopsy report lists Terry Williams as next of kin (See Shafer Exhibit B) **NOTE:** Counsel Augustine and Mark Morrow from NHJC should have known from the summary of investigation that Terry Williams was next of kin and a Nevada resident and therefore they did not need to include Jared Shafer as the Nevada Special Administrator to file a suit for wrongful death.
01/02/03	Counsel Augustine calls Terry Coffing at NHJC to file wrongful death action in Nevada
01/02/03	Terry Coffing contacts Elyse Tyrell to set up estate in Nevada and to obtain resident Administrator for Nevada wrongful death action

01/02/03	Elyse Tyrell contacts Jared Shafer to ask him to be Nevada resident Special Administrator for wrongful death (See NCOE Exhibit G, affidavit of Elyse Tyrell)
01/02/03	Jared Shafer accepts the appointment during phone call (See NCOE Exhibit G, affidavit of Jared Shafer)
01/02/03	NHJC faxes **Authority to Represent** to Elyse Tyrell at 10:56 a.m. with signature of Charles Williams, Jr. (See NCOE Exhibit P)
01/02/03	Jared Shafer signs petition for special administrator notarized by Diane Frank on 1/02/03 (See NCOE Exhibit L)
01/03/03	Arthur Augustine faxes NHJC with names and addresses of Children of Charles Williams, Sr., including Terry Williams – a Las Vegas resident (See Shafer Exhibit D)
01/06/03	Petition for Special Co-letters of Administration filed with court (See NCOE Exhibit L) **NOTE:** this was signed by Jared Shafer on 01/02/03.
01/06/03	Order granting petition for Special Co-letters of Administration (See NCOE Exhibit M)

01/06/03 NHJC letter to Elyse Tyrell re: acknowledgement of representation of Charles Williams, Jr. (See Shafer Exhibit G)

01/07/03 Supplement to Petition for Special Co-letters of Administration filed. Supplement signed by Elyse Tyrell on *01/03/03* referencing original petition filed on *01/03/03*(See NCOE Exhibit N)

NOTE: Supplement with Terry Williams' name and Nevada residency attached was prepared and signed on 01/03/03 by Elyse Tyrell prior to the 01/06/03 filing of the original petition for Special Administrator. The supplement was filed the day after the original petition was filed. This means that Elyse Tyrell know of Terry Williams and her Nevada residency when she filed the Petition for Special Co-letter of Administration, knowingly omitted this information, and subsequently filed a supplement with the court the following day after Shafer was appointed. If Terry Williams' name had been filed with original petition there would have been no reason to appoint Jared Shafer as the Nevada resident. (*Relevant to show Shafer's intent to attach himself to the case notwithstanding Terry Williams' Nevada residence.*)

01/06/03	Petition for Special Co-letters of Administration filed with court (See NCOE Exhibit L) NOTE this was signed by Jared Shafer on 01/02/03
01/06/03	Order granting petition for Special Co-letters of Administration (See NCOE Exhibit M)
01/06/03	NHJC letter to Elyse Tyrell re: acknowledgement of representation of Charles Williams Jr (See Shafer Exhibit G)
01/07/03	Supplement to Petition for Special Co-letters of Administration filed. Supplement signed by Elyse Tyrell *on 01/03/03* referencing original petition filed *on 01/03/03* (See NCOE Exhibit N) NOTE, Supplement with Terry Williams' name and Nevada residency attached was prepared and signed on 01/03/03 by Elyse Tyrell prior to the 01/06/03 filing of the original petition for Special Administrator. The supplement was filed the day after the original petition was filed. This means that Elyse Tyrell knew of Terry Williams and her Nevada residency when she filed the Petition for Special Co-letter of Administration, knowingly omitted this information, and subsequently filed a supplement with the court the following day after Shafer was appointed. If Terry Williams' name had been filed with original petition there would have been no reason to appoint Jared Shafer as the Nevada resident. (*Relevant to show Shafer's intent to attach himself to the case notwithstanding Terry Williams' Nevada residence.*)
01/07/03 & 1/14/03	Jared Shafer and Charles Williams, Jr sign the special co-letters of administration (See Shafer Exhibits I & J)

APPENDIX J

FINAL ATTEMPTED POLICE REPORT TO LAS VEGAS METROPOLITAN POLICE

On 4/28/06 "Officer Laurie Bisch Not A Police matter"

In or about December, 2002-January 2, 2003, a scheme to circumvent Decedent's Will and Trust and to intercept an asset belonging to Maryland was conceived and executed on 1/3/2006 in the Eighth Judicial District Court for the County of Clark, State of Nevada

Complainant herein, Terry Williams, is the daughter of Decedent and also serves as Executrix, Personal Representative of Decedent's Estate (#62523) and Successor Trustee of Decedent's Living Trust, both under the exclusive jurisdiction of Maryland. It is in both her Individual status and fiduciary status that she makes this complaint.

Decedent's Will was admitted to probate in the State of Maryland on 11/25/2002 and Letters of Administration issued to Terry Williams as Personal Representative of Decedent's estate.

On January 3, 2003, Charles Williams, Jr of San Antonio, Texas, Jared E. Shafer, then Clark County Public Administrator, Elyse M. Tyrell, Esq. and Terry Coffing, Esq., acting in concert, perpetrated fraud on the Eighth Judicial District Court for Clark County, Nevada by filing a Petition for the Appointment of Special Co-Administrators void of both Exhibit s therein, i e Decedent's Death Certificate and List of Heirs

On January 17, 2003, Terry Coffing, Esq on behalf of Charles Williams, Jr and Jared Shafer, filed Case #A462073, claiming to lawfully represent Decedent s Estate, having concealed Decedent's Will and the existence of his daughter and Executrix

Actions on January 3-6 2003 and January 17, 2003 were in an effort to obtain proceeds from Decedent's survival claim of Negligence which is an asset of Decedent s Estate in Maryland (Estate #62523)

Over the course of the next few years Complainant was forced to become victim to coercion, blackmail, extortion, threat of arrest theft, harassment and interference with her duties as fiduciary of the Estate of Charles L. Williams, Sr Of particular mention are incidents occurring on October 27, 2004 and again on April 21 2006, when the identical means of extortion/coercion tactics were employed Other perpetrators having joined in on this scheme now include Althea Gilkey, Esq and David Sampson, Esq

Although Complainant has attempted to file police reports on several occasions each attempt was dissuaded and/or prevented as police personnel deemed the matter to be CIVIL Complainant is again attempting to file a police report citing various violations of criminal law and simply wants to make a record of such acts

Due to conflict of interest between one or more of the perpetrators and the Metropolitan Police Department, Complainant requests that this matter be transferred to the Nevada State Attorney General for prosecution.

Complainant [redacted] can produce evidence in support of certain violations of law and there are alleges possible violations of the following Nevada Revised Statutes

NRS 199.360 NRS 199.120 199.150 NRS 199.200 NRS 199.230 NRS 199.240 *(plus running the gamut of NRS 199.250);* NRS 199.305 NRS 199.310 NRS 199.320 NRS 199.480 NRS 199.410 NRS 199.480 NRS 199.490 NRS 200.571, NRS 201.255 NRS 205.220 NRS 205.230, NRS 205.320 NRS 205.330 NRS 205.360 NRS 205.375; NRS 205.380, NRS 207.190

APPENDIX K

FRAUDULENT NEVADA PROBATE RE: ESTATE'S NEGLIGENCE CLAIM

ORIGINAL

21

PETN
ELYSE M. TYRELL, ESQ.
Nevada Bar No: 5531
PATRICIA A. TRENT & ASSOCIATES
8367 W. Flamingo #100
Las Vegas, Nevada 89147
(702) 382-2210
Attorney for the Petitioners,
JARED E. SHAFER and CHARLES WILLIAMS, JR.

FILED
Jan 6 3 52 PM '03
Lucy C. Virgin
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Estate of CHARLES WILLIAMS, Deceased.) CASE NO. P 48837
) DEPT. NO VII

PETITION FOR SPECIAL CO-LETTERS OF ADMINISTRATION

Date of Hearing: n/a
Time of Hearing: n/a

COMES NOW, the Petitioners, JARED E SHAFER and CHARLES WILLIAMS, JR., whose Petition respectfully represents the following to this Honorable Court.

1. JARED E. SHAFER is a resident of Clark County, Nevada, his office being maintained at 4455 S Pecos, Suite C, Las Vegas, Nevada, 89121 CHARLES WILLIAMS, JR., is the son of the above-named decedent and is a resident of the State of Texas, his mailing address being in care of his counsel, ARTHUR AUGUSTINE, ESQ., 111 Soledad, Suite 700, San Antonio, Texas, 78205

2. CHARLES WILLIAMS died on or about the 4th day of November 2002 in the State of Nevada and was, at the time of his death, a resident of the State of Nevada

3 A certified copy of the decedent's Death Certificate is attached hereto as Exhibit "1"

4 The decedent was survived by those relatives whose names addresses and relationships to the deceased are outlined on Exhibi

RECEIVED
JAN 06 2003
COUNTY CLERK

"1" which is attached hereto.

5. Petitioners are seeking their appointment as Special Co-Administrators of the decedent's estate so as to pursue a wrongful death and/or negligence claim against the care facility where the decedent resided at the time of his death.

6. In light of the foregoing, Petitioners would request that this court enter its order appointing them to serve as Special Co-Administrators of the decedent's estate.

7. Petitioners would request that the requirement of posting a bond in this matter be waived until such time as assets come into their possession.

8. Petitioners confirm that, should any assets come into their possession as a result of any settlement from the pending litigation, they will seek authority from the court to compromise that claim and they will place such proceeds on deposit in the trust account of the law firm of Patricia A. Trent & Associates until further instructions are received from the court

9. Petitioners confirm that neither of them have ever been convicted of a felony.

WHEREFORE, Petitioners pray as follows:

1. That Petitioners be appointed to act as Special Co-Administrators of the estate of CHARLES WILLIAMS, and that Special Co-Letters of Administration issue to Petitioners upon their taking the oath of office as required by law, without bond.

2. That Petitioners be authorized and directed to pursue a wrongful death and/or negligence claim on behalf of the decedent

3. That, should any assets be received as a result of any settlement from the perding litigation, Petitioners shall seek

authority from the court to compromise that claim and shall place such proceeds on deposit in the trust account of the law firm of Patricia A. Trent & Associates until further instructions are received from the court.

4. For such other and further relief as to the court may deem just and proper in the premises.

JARED E. SHAFER

See Next Page
CHARLES WILLIAMS, JR.

STATE OF NEVADA)
: ss.
COUNTY OF CLARK)

JARED E. SHAFER, being first duly sworn, deposes and says: That he is the Petitioner in the above-entitled matter, that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to those matters therein contained upon information and belief, and as to those matters, he believes them to be true.

JARED E. SHAFER

SUBSCRIBED and SWORN to before me this 2nd day of January, 2003.

NOTARY PUBLIC in and for said County and State

NOTARY PUBLIC
CLAIRE FRANKS
STATE OF NEVADA
COUNTY OF CLARK
MY APPOINTMENT EXPIRES
FEBRUARY 28, 2004

.....

authority from the court to compromise that claim and shall place such proceeds on deposit in the trust account of the law firm of Patricia A. Trent & Associates until further instructions are received from the court.

4. For such other and further relief as to the court may deem just and proper in the premises.

JARED E. SHAFER

CHARLES WILLIAMS, JR.

STATE OF NEVADA)
: ss
COUNTY OF CLARK)

JARED E SHAFER, being first duly sworn, deposes and says: That he is the Petitioner in the above-entitled matter; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to those matters therein contained upon information and belief, and as to those matters, he believes them to be true

JARED E. SHAFER

SUBSCRIBED and SWORN to before me this ____ day of January, 2003

NOTARY PUBLIC in and for said County and State

PATRICIA TRENT LTD Fax:702-382-8262 Jan 2 '03 11:29 P.25

STATE OF TEXAS)
: ss.
COUNTY OF _____)

CHARLES WILLIAMS, JR., being first duly sworn, deposes and says: That he is the Petitioner in the above-entitled matter; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to those matters therein contained upon information and belief, and as to those matters, he believes them to be true.

CHARLES WILLIAMS, JR.

SUBSCRIBED and SWORN to before me this 2nd day of January, 2003.

NOTARY PUBLIC in and for said County and State

JING-JING SURRITT
NOTARY PUBLIC
State of Texas
Comm. Exp. 04-06-2004

PATRICIA A. TRENT & ASSOCIATES

ELYSE H. TYRELL, ESQ.
8367 W. Flamingo #100
Las Vegas, Nevada 89147
Attorney for the Petitioners

PATRICIA TRENT LTD Fax:702-382-9242 Jan 2 '03 11:29 P 06

ORIGINAL

21

FILED
Jan 6 3 52 PM '03
Shirley B. Rogers
CLERK

ORDR
ELYSE M. TYRELL, ESQ.
Nevada Bar No: 5531
PATRICIA A. TRENT & ASSOCIATES
8367 W. Flamingo #100
Las Vegas, Nevada 89147
(702) 382-2210
Attorney for the Petitioners,
JARED E. SHAFER and CHARLES WILLIAMS, JR.

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Estate of CHARLES WILLIAMS, Deceased.) CASE NO. P 48837

ORDER APPOINTING SPECIAL CO-ADMINISTRATORS

Date of Hearing: n/a
Time of Hearing: n/a

Upon review of the verified Petition for Special Letters of Co-Administration filed by JARED E. SHAFER and CHARLES WILLIAMS, JR.; the court having reviewed said petition and having found that all allegations contained therein are true and correct, and good cause appearing therefor,

NOW, THEREFORE, IT IS HEREBY ORDERED that the said JARED E SHAFER and CHARLES WILLIAMS, JR. be, and they are hereby appointed to act as Special Co-Administrators of the estate of CHARLES WILLIAMS, deceased, and Letters of Special Administration shall issue to JARED E. SHAFER and CHARLES WILLIAMS, JR. upon their taking the oath of office as required by law, without bond; and it is

FURTHER ORDERED that JARED E SHAFER and CHARLES WILLIAMS, JR shall be vested with all powers and authorities vested in special

RECEIVED
JAN 06 2003
COURT CLERK

administrators as outlined by statute including, but not limited to, the authority to pursue a wrongful death and/or negligence claim on behalf of the decedent; and it is

FURTHER ORDERED that, should any assets be received as a result of any settlement from the pending litigation, the Special Co-Administrators shall seek authority from the court to compromise that claim and shall place such proceeds on deposit in the trust account of the law firm of Patricia A. Trent & Associates, pending further instructions from the court.

DATED and DONE this 6th day of January, 2003.

DISTRICT JUDGE

PATRICIA A. TRENT & ASSOCIATES

ELYSE M. TYRELL, ESQ.
8367 W. Flamingo #100
Las Vegas, NV 89147
Attorney for the Petitioner

ORIGINAL

FILED
Jan 7 11 59 AM '03
CLERK

ERR
ELYSE M. TYRELL, ESQ.
Nevada Bar No: 5531
PATRICIA A. TRENT & ASSOCIATES
8357 W. Flamingo Rd., Ste. 100
Las Vegas, NV 89147
(702) 382-2210
Attorney for the Petitioners,
JARED E. SHAFER and CHARLES WILLIAMS, JR.

DISTRICT COURT
CLARK COUNTY, NEVADA

In the matter of the Estate of CHARLES WILLIAMS, Deceased.

CASE NO. P 48937
DEPT. NO. VII

SUPPLEMENT TO PETITION FOR APPOINTMENT OF SPECIAL CO-ADMINISTRATORS

Date of Hearing: n/a
Time of Hearing: n/a

COMES NOW, JARED E. SHAFER and CHARLES WILLIAMS, JR., by and through their attorney, ELYSE M. TYRELL, ESQ , who file the instant Supplement to Petition for Appointment of Special Co-Administrators filed on January 3, 2003, and who allege as follows:

1. The decedent was, at the time of his death, survived by

....

..

...

RECEIVED
JAN 07 2003
COUNTY CLERK

the following heirs:

Charles Williams, Jr. 16042 Cougar Rock Drive San Antonio, TX 78230	Son
Leon G Williams 2569 7th Ave., Apt. 15E New York, NY 10037	Son
Ann Williams 101-125 W. 147th St., Apt. 25B New York, NY 10039	Daughter
Terry Lynn Williams 4823 Thackerville Ave. Las Vegas, NV 89139	Daughter

DATED this 3rd day of January, 2003.

Respectfully submitted,

PATRICIA A. TRENT & ASSOCIATES

ELYSE M. TYRELL, ESQ.
8367 W. Flamingo Rd., Ste. 100
Las Vegas, NV 89147
Attorney for the Petitioner

ORIGINAL

LETT

District Court

CLARK COUNTY, NEVADA

FILED

Jan 8 11 27 AM '03

CLERK

In the Matter of the Estate of

CHARLES WILLIAMS

Deceased

CASE NO A-[illegible]37

LETTERS OF SPECIAL ADMINISTRATION

On the 6th day of JANUARY 2003, the Court entered an Order appointing JARED E. SHAFER & CO-CHARLES WILLIAMS, JR as Special Administrator of the Decedent's Estate. The Order includes

☒ A directive for no bond;

☐ A directive for the establishment of blocked accounts,

☐ A directive for the posting of bond in the sum of $_____; or

☐ A directive for both the establishment of blocked accounts for sums in excess of $_____ and the posting of bond in the sum of $_____

The Special Administrator, having duly qualified may act and has the authority and duties of Special Administrator.

In testimony of which, I have this date signed these Letters and affixed the seal of the Court.

SHIRLEY B PARRAGUIRRE, CLERK OF COURT

By _____

Deputy Clerk Date

RECEIVED
JAN 08 2003
COUNTY CLERK

OATH

I, JARED E. SHAFER, whose mailing address is SEE BELOW

[illegible]55 S. PECOS, SUITE C, LAS VEGAS, NV 89121

solemnly affirm that I will faithfully perform according to law the duties of Special Administrator and that all matters stated in any petition or paper filed with the Court by me are true of my own knowledge or [illegible] any matters are stated on information and belief, I believe them to be true.

SPECIAL ADMINISTRATOR

SUBSCRIBED AND AFFIRMED before me this

7th day of January 2003

SHIRLEY B PARRAGUIRRE, CLERK OF COURT

By _____

Deputy Clerk

(OR) _____

NOTARY PUBLIC

County of CLARK State of NEVADA

NOTARY PUBLIC
DIANE FRANCIS
STATE OF NEVADA
COUNTY OF CLARK
MY APPOINTMENT EXPIRES
FEBRUARY 02, 2006
No: 03-79403-1

ORIGINAL

FILED

Jan 15 4 23 PM '03

Shirley B. Parraguirre
CLERK

LETT

District Court
CLARK COUNTY, NEVADA

In the Matter of the Estate of

CHARLES WILLIAMS,

Deceased.

CASE NO. P 48837

-CO-

LETTERS OF SPECIAL ADMINISTRATION

On the 9th day of January 2003 the Court entered an Order appointing JANE L. SNYDER and CHARLES -Co- WILLIAMS, III as Special Administrator of the Decedent's Estate. The Order includes:

☒ A directive for no bond;

☐ A directive for the establishment of blocked accounts

☐ A directive for the posting of bond in the sum of $_____ or

☐ A directive for both the establishment of blocked accounts for sums in excess of $_____ and the posting of bond in the sum of $_____

The Special Administrator having duly qualified may act and has the authority and duties of Special Administrator.

In testimony of which I have this date signed these Letters and affixed the seal of the Court.

SHIRLEY B. PARRAGUIRRE, CLERK OF COURT

By Lori Bogosian JAN 15 2003

Deputy Clerk LORI BOGOSIAN

RECEIVED
JAN 15 2003
COUNTY CLERK

OATH

I, CHARLES WILLIAMS, III, whose mailing address is c/o 111 Soledad, #200, San Antonio, TX 78205

solemnly affirm that I will faithfully perform according to law the duties of Special Administrator and that all matters stated in any petition or paper filed with the Court by me are true of my own knowledge or, if any matters are stated on information and belief, I believe them to be true.

SPECIAL ADMINISTRATOR

SUBSCRIBED AND AFFIRMED before me this

14th day of January 2003.

SHIRLEY B. PARRAGUIRRE, CLERK OF COURT

By _____
Deputy Clerk

OR

NOTARY PUBLIC

County of Bexar State of Texas

JING-JING SURRITT
NOTARY PUBLIC
State of Texas
Comm. Exp. 04-06-2004

Jan 2 '03 11:28 P 02

ORIGINAL

FILED
Jan 23 11 00 AM '03

MPET
ELYSE M. TYRELL, ESQ.
Nevada Bar No: 5531
PATRICIA A. TRENT & ASSOCIATES
6367 W. Flamingo #100
Las Vegas, Nevada 89147
(702) 382-2210
Attorney for the Petitioners,
JARED E. SHAFER and CHARLES WILLIAMS, JR.

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Estate of CHARLES WILLIAMS, Deceased.) CASE NO. P 48837
) DEPT. NO. I

PETITION FOR AUTHORITY TO ENTER INTO LEGAL SERVICES CONTRACT AND PETITION FOR APPROVAL OF FEES

Date of Hearing: 02/14/03
Time of Hearing: 9:30 a.m.

COMES NOW, the Petitioners, JARED E. SHAFER and CHARLES WILLIAMS, JR., whose Petition respectfully represents the following to this Honorable Court:

1. JARED E. SHAFER and CHARLES WILLIAMS, JR are the duly appointed, qualified and acting Special Co-Administrators of the estate of CHARLES WILLIAMS, having been appointed to act in that capacity on the 8th day of January, 2003.

2. Petitioners assert that, on or about the 2nd day of November, 2002, CHARLES WILLIAMS sustained injuries at the nursing home facility where he was receiving care which resulted in his death on November 4, 2002. Petitioners are informed and believe that they have due cause to pursue a legal claim for the wrongful death of the decedent.

3. Petitioners report to the court that Nursing Home Justice

RECEIVED
JAN 29 2003
COUNTY CLERK

Center has agreed to assist the Special Co-Administrators in pursuing the wrongful death claim against the nursing home facility and has presented a legal contract for that purpose, a copy of which is attached hereto as Exhibit "1".

4. Petitioners would request that they be authorized and directed to enter into the legal services contract with Nursing Home Justice Center in order to pursue the wrongful death claim and pay the sums requested therein for their fees.

5. Further, Petitioners report to the court that JARED E. SHAFER is seeking compensation at the rate of $200.00 per hour for services rendered herein. Therefore, Petitioners request that the court approve this rate.

WHEREFORE, Petitioners pray as follows:

1. That the court enter its order authorizing Petitioners to enter into the legal services contract with Nursing Home Justice Center to pursue the wrongful death action on behalf of the decedent's estate.

2. That the court confirm and approve the hourly rate of $200.00 for JARED E. SHAFER for his services rendered in connection with this matter.

3. For such other and further relief as to the court may deem just and proper in the premises.

JARED B. SHAFER

CHARLES WILLIAMS, JR.

STATE OF NEVADA)
: ss.
COUNTY OF CLARK)

JARED B. SHAFER, being first duly sworn, deposes and says: That he is the Petitioner in the above-entitled matter; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to those matters therein contained upon information and belief, and as to those matters, he believes them to be true.

JARED B. SHAFER

SUBSCRIBED and SWORN to before me this 27th day of January, 2003.

NOTARY PUBLIC in and for said County and State

PEGGY L. BECKER
Notary Public, State of Nevada
Appointment No. 00-653-01
My Appt. Expires Oct. 17, 2004

STATE OF TEXAS)
: ss.
COUNTY OF _____)

CHARLES WILLIAMS, JR., being first duly sworn, deposes and says. That he is the Petitioner in the above-entitled matter, that he has read the foregoing petition and knows the contents thereof,

that the same is true of his own knowledge except as to those matters therein contained upon information and belief, and as to those matters, he believes them to be true.

CHARLES WILLIAMS, JR.

SUBSCRIBED and SWORN to before me this 23rd day of January, 2003.

NOTARY PUBLIC in and for said County and State

JING-JING SURRITT
NOTARY PUBLIC
State of Texas
Comm Exp 04-06-2004

PATRICIA A. TRENT & ASSOCIATES

ELYSE H. TYRELL, ESQ.
8367 W. Flamingo #100
Las Vegas, Nevada 89147
Attorney for the Petitioners

Nursing Home Justice Center™

[illegible] Park Run Drive
Las Vegas, Nevada 89145
Phone: 702 - 385-HELP (4357)
Fax: 702 - 385-5454
Toll Free: 1-888 - 385-HELP (4357)

www.[illegible]nursinghomejustice.com

W. Riley Allen (FL) *
Dale A. Bryan (NV & CA)
Mark A. Morrow (FL & NC) *
J. Scott Murphy (FL) *
Terry A. Coffing (NV & MN)

* [illegible]

AUTHORITY TO REPRESENT

I/we, the undersigned client(s), hereby retain the Nursing Home Justice Center, LLC, as my/our attorneys to represent me/us in my/our claim against Silver Ridge Healthcare or any other person, firm or corporation liable therefore, resulting from an incident/accident that occurred on the 4th day of November, 2016. As compensation for services rendered, I/we agree to pay to my/our attorneys from the total recovery, the following fee:

33 1/3% Of any amount recovered or offered prior to the commencement of suit.

40% Of any amount recovered after suit is commenced. Except,

If all defendants admit liability at the time of filing their Answers and request a trial only on damages, I/we agree to pay the following fees.

33 1/3% Of any recovery through trial

An additional 5% of any recovery after Notice of Appeal is filed or post-judgment relief or action is required for recovery on the judgment.

Attorney's fee is based on a percentage of the recovery (including all damages, costs, interest, awarded attorney fees, etc.), computed before expenses are deducted. We do not charge an Attorney's fee or any expenses if we do not obtain a recovery for you.

If any suit brought on my behalf entitles me/us to have the defendant(s) pay my/our attorney's fees, then I/we agree to pay Nursing Home Justice Center, LLC, the above contingency fee, which will be calculated on the total award including the added attorney fees by the court. I/we further understand that the fees as set by the court may well exceed the above contingency figures depending upon the amount of time my/our attorney expends in the prosecution of my case, the difficulty, novelty, or complexity of my/our case, and the amount ultimately paid or awarded.

I/we understand that this employment is upon a contingent fee basis, and if no recovery is made, I/we will not be indebted to my/our attorneys for any sum whatsoever as attorney's fees or as costs related to the pursuit and/or investigation of this claim. I/we agree that upon written notice Nursing Home Justice Center, LLC, may terminate representation under the terms of this agreement.

[illegible]

[illegible] 01/10/17 10:55 FAX 702 382 5818 ALLEN & MURPHY [illegible] 01/10/17

I/we agree to pay the costs incurred in investigating, reviewing, settling, or litigating my/our claim, from my/our share of the recovery. I understand that any protected medical bills or hospital/worker's compensation/health insurance/Medicaid/Medicare liens will be deducted from my/our share of the recovery.

I/we understand that the reasonable hourly fee charged by Nursing Home Justice Center, LLC, as of the date of execution of this Authority To Represent, is $300.00 per hour and that said hourly fee is reasonable should fees be paid by the defendant(s) as ordered by the court.

In the event that a court orders periodic payments of any judgment, Nursing Home Justice Center, LLC, shall have the sole right to determine whether the attorney's fees shall be paid periodically or in a lump sum.

I/we understand that, in the event of a loss, I/we may be liable for the opposing party's costs as required by law, and that a suit brought solely to harass or to coerce a settlement may result in liability for malicious prosecution or abuse of process.

Regardless of anything in this contract to the contrary, I/we agree to immediately inform Nursing Home Justice Center, LLC, in writing, by return receipt requested mail, of any and all changes in my current address in the event I fail to immediately inform Nursing Home Justice Center, LLC, of my/our change of address as required by this paragraph, Nursing Home Justice Center, LLC, shall have the right to declare this contract null and void.

Also, I/we agree that the Nursing Home Justice Center, LLC, may withdraw from representation on my/our behalf, if it feels that the attorney/client relationship has been irreparably damaged, or for other reasons, which shall be set forth in writing. Specifically, Nursing Home Justice Center, LLC, may withdraw from my/our representation if, after conducting reasonable investigation and making reasonable inquiry, it determines in its opinion that my/our claim does not warrant pursuit.

DATED at Las Vegas, Clark County, Nevada, this ____ day of _____, 2003.

The above employment contract is accepted on the terms stated.

BY _____
Client

BY _____
Client

NURSING HOME JUSTICE CENTER, LLC

BY _____

01/02/03 10:57 FAX 702 382 5189 MARQUIS & AURBACH 013/017

I/we agree to pay the costs incurred in investigating, reviewing, settling, or litigating my/our claim, from my/our share of the recovery. I understand that any protected medical bills or hospital/worker's compensation/health insurance/Medicaid/Medicare liens will be deducted from my/our share of the recovery.

I/we understand that the reasonable hourly fee charged by Nursing Home Justice Center, LLC, as of the date of execution of this Authority To Represent, is $300.00 per hour and that said hourly fee is reasonable should fees be paid by the defendant(s) as ordered by the court.

In the event that a court orders periodic payments of any judgment, Nursing Home Justice Center, LLC, shall have the sole right to determine whether the attorney's fees shall be paid periodically or in a lump sum.

I/we understand that, in the event of a loss, I/we may be liable for the opposing party's costs as required by law, and that a suit brought solely to harass or to coerce a settlement may result in liability for malicious prosecution or abuse of process.

Regardless of anything in this contract to the contrary, I/we agree to immediately inform Nursing Home Justice Center, LLC, in writing, by return receipt requested mail, of any and all changes in my current address in the event I fail to immediately inform Nursing Home Justice Center, LLC, of my/our change of address as required by this paragraph, Nursing Home Justice Center, LLC, shall have the right to declare this contract null and void.

Also, I/we agree that the Nursing Home Justice Center, LLC, may withdraw from representation on my/our behalf, if it feels that the attorney/client relationship has been irreparably damaged, or for other reasons, which shall be set forth in writing. Specifically, Nursing Home Justice Center, LLC, may withdraw from my/our representation if, after conducting reasonable investigation and making reasonable inquiry, it determines in its opinion that my/our claim does not warrant pursuit.

DATED at Las Vegas, Clark County, Nevada, this 2 day of January, 2003.

The above employment contract is accepted on the terms stated.

BY: _____
Client

BY: _____
Client

NURSING HOME JUSTICE CENTER, LLC

BY: _____

10/10/02 [illegible] 10/10/10

APPENDIX L

MARYLAND CAVEAT FILED 2/14/2003 CALCULATED TO PROTECT NEVADA PROBATE SCHEME AND UNDISCOVERED ESTATE NEGLIGENCE CLAIM FILED 1/17/2003

IN THE ORPHANS COURT FOR BALTIMORE CITY MARYLAND

IN THE ESTATE OF

CHARLES L WILLIAMS DECEASED ESTATE NO 62923

PETITION TO CAVEAT WILL

Now comes Petitioner Charles L Williams by his attorney, Orville A Wright, and represents unto this honorable Court the following:

1. That he is the son of the decedent and thus has the right to file this petition
2. That the decedent's date of death is 11/4/2002
3. That he is challenging the last will of the decedent dated 9/18/2002 and that said will was admitted to probate on 11/25/2002
4. That the will admitted is invalid because the testator was under undue influence by the personal representative named in the will thus causing the signing of the will. To the best of my knowledge another will does not exist
5. That the will admitted is invalid because the testator was mentally incompetent at the time the will was signed. To the best of my knowledge another will does not exist
6. That the testator was domiciled in the state of Nevada as to the date of death
7. That all interested persons known to the Petitioner and their addresses are attached as Exhibit A to this petition

WHEREBY the Petitioner prays of this honorable Court that,

1 A hearing be held to determine the validity of the admitted will; or

2 A hearing be held to determine whether Maryland has jurisdiction to probate the will if the Court determines that the will is valid; and

3 Such other and further relief as the nature of this Petition may require

I solemnly affirm under the penalties of perjury that the contents of the foregoing petition are true to the best of my knowledge, information, and belief.

Charles L. Williams Jr./ Petitioner

Orville A. Wright, Esquire
9026 Liberty Road
Randallstown, Maryland 21133
Attorney for Petitioner

(410) 521-7666

EXHIBIT A

IN THE ORPHANS' COURT FOR
(OR)
BEFORE THE REGISTER OF WILLS FOR BALTIMORE CITY, MARYLAND

IN THE ESTATE OF:

CHARLES L WILLIAMS ESTATE NO 62523

LIST OF INTERESTED PERSONS

Name (and age if under 18 years)	Last Known Address including Zip Code	Specify Heir/Legatee/ Personal Representative	Relationship to Decedent
LEON WILLIAMS	2569 7TH AVE #155, NY, NY 10039	HEIR	CHILD
ANN WILLIAMS	101-115 147TH ST, #252 NY,NY 10039	HEIR	CHILD
CHARLES WILLIAMS JR	14042 COUGAR ROCK	HEIR	CHILD
	SAN ANTONIO TX 78230		
TERRY WILLIAMS	505 E WINDMILL LN #1B 260	HEIR-LEGATEE	CHILD
		PERSONAL REP	

I solemnly affirm under the penalties of perjury that the contents of the foregoing list of interested persons are true to the best of my knowledge, information, and belief

Attorney — Signature, Personal Representative — Date

Address — Petitioner/Personal Representative — Date

Petitioner/Personal Representative — Date

Telephone Number

Instructions :

Interested persons include decedent's heirs (surviving spouse, children, and other persons who would inherit if there were no will) and, if decedent died with a will, the personal representative named in it, with any address. All heirs must be listed even if decedent died with a will.

2 This list must be filed: (a) within 20 days after appointment of a personal representative under administrative probate or (b) at the time of filing a Petition for Judicial Probate or a Petition for Administration of a Small Estate

RW 1104

APPENDIX M

FRAUDULENTLY FILED ESTATE NEGLIGENCE CLAIM

133

15

COMP
Nursing Home Justice Center
Terry A. Coffing, Esq.
Nevada State Bar No. 4949
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 385-4357
Attorney for Plaintiffs

FILED
Jun 17 3 16 PM '03
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES WILLIAMS, JR., as Special Administrator of the Estate of Charles Williams,

Plaintiffs,

vs.

AHP OF NEVADA, INC., d/b/a SILVER RIDGE HEALTH CARE CENTER and DOES and ROES I through X, inclusive,

Defendants.

Case No. A463073
Department II

COMPLAINT

Comes now the Plaintiff Charles Williams, Jr., as Special Administrator to the Estate of Charles Williams, by and through their attorneys of record, the Nursing Home Justice Center, and hereby complains and alleges as follows

ALLEGATIONS RELEVANT TO ALL CLAIMS

1 At all times mentioned herein, the Plaintiff Charles Williams was a resident of Clark County, State of Nevada

2 At all times mentioned herein, the Special Administrator to Charles Williams Estate, Charles Williams, Jr., is a resident of the State of Texas

3 Upon information and belief, the Defendants AHP of Nevada, Inc., and Silver Ridge Health Care were corporations authorized to do business within Clark County, State of Nevada

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas Nevada 89145
702-385-4351 FAX 385-4355

RECEIVED
JAN 17 2003
COUNTY CLERK

NURSING JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
702-367-0711 FAX: 382-5816

4. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants named herein as DOES I through X, inclusive, are unknown to Plaintiff, who therefore, sues said Defendants by such fictitious names Plaintiff will ask leave to amend this Complaint to show their true names and capacities when the same have been ascertained.

5. That the Defendants, and each of them, are engaged in the business of providing 24-hour care, as a skilled nursing facility, primarily to elderly persons.

6 The Plaintiff, Charles Williams, was an 80 year old man suffering from several medical conditions that required skilled nursing care.

7 The Plaintiff Charles Williams' medical condition rendered him a vulnerable elderly person pursuant to NRS 41.1395

8 As a result of the Plaintiff's medical, physical and mental conditions, he could not live safely without the assistance and care of others and was in need and placed in a skilled nursing facility so that he could receive around the clock care which he needed.

9. As part of the medical treatments being administered to the Plaintiff Charles Williams, he had a gastrointestinal feeding tube (G-tube) so that he could receive regularly nourishment and hydration

10 As a result of the placement of this G-tube, the ingestion of any solid foods by Charles Williams would constitute a hazard to his physical well being to the extent that it may be life threatening.

11. The Defendants, and each of them, held themselves out to the public as a facility providing room, board, and nursing care and such personal service are required for the health, safety, good grooming and well being of its patients and as being properly equipped and the staff to provide such care for its patients and clients

12. Plaintiff's son eventually placed his father into Silver Ridge Health Care Center and entrusted his father's care, health, and safety to the Defendant.

13 Silver Ridge Health Care Center held itself out to the public as a facility providing rooms, board, linens, bedding, nursing care, and such personal services as are required for the health, safety, good grooming, well-being of its patients, and as being properly equipped and

NURSING HOME JUSTICE CENTER
Las Vegas, Nevada 89145
PHONE: 702-384-0711 FAX: 702-384-5768

staffed to provide such care for its patients and clients.

14. Despite the placement of the G-tube on November 2, 2002, at approximately 8:00 a.m., a CNA employed by the Defendant fed Charles Williams scrambled eggs.

15. Immediately upon ingesting the scrambled eggs, Charles Williams went into respiratory distress and aspirated the eggs directly into his lungs.

16. Despite attempts by the Defendants to suction the eggs from Charles Williams, his respiratory distress increased and he was ultimately transported by ambulance to the Summerlin Hospital Emergency Room.

17. Upon admission to Summerlin Hospital, the Plaintiff was noted to be in acute respiratory distress and ultimately lapsed into unconsciousness.

18. Charles Williams was immediately incubated and placed on a ventilator for treatment of aspirational pneumonia. He remained unconscious and died less than 48 hours later.

19. Upon investigation, Clark County Coroners Office declared that Williams had died as a result of this incident.

FIRST CAUSE OF ACTION

(Negligence Per Se)

20. Plaintiffs repeat, reallege, and incorporate each and every paragraph contained above as though fully set forth herein at length.

21. That Defendants have a statutorily mandated duty to provide Plaintiff with the rights as set forth in N.R.S. 449.710, 720, and NAC 449.74445, which include, but are not limited to:

a. Receive considerate and respectful care;

b. Receive continuous care from the facility;

c. Receive care in a manner and environment that maintains and enhances each patient's dignity with respect to each patient's individuality;

d. Exercise his rights without the threat of interference, coercion, discrimination, or reprisal.

NURSING HOME JUSTICE CENTER
10000 Park Run Drive
Las Vegas, Nevada 89145
702-382-0711 FAX 382-5816

22. That not withstanding the responsibility of the Defendants to provide Plaintiff with his statutorily mandated rights, he was deprived of such rights by the acts and/or omissions of Defendants, which include, but are not limited to the following.

a. Failure to properly care for the Plaintiff and fed him solid food knowing that he had a G-tube in place and such action would place his life in jeopardy.

b. Failure to properly supervise the actions of the Defendants' employees so as to keep the Plaintiff safe within the facility.

c Failure to properly supervise personnel and staff and the proper care and handling of Plaintiff Williams' medical conditions.

d. Failure to ensure that adequate numbers of employees with the appropriate education or training were available to meet the needs and protect the rights of Plaintiff Williams.

23. That as a direct and proximate result of the Defendants' acts and/or omissions, Plaintiff was denied his rights under N.R.S. 449.710, 720, and NAC 449.74445. Consequently, Plaintiff Williams suffered various physical injuries, including, but not limited to, severe respiratory distress, choking, aspirational pneumonia, mental and physical pain, embarrassment and loss of dignity and privacy, forcing him to undergo hospitalization and medical treatment as a result.

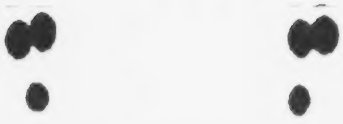
24 The Plaintiff is entitled to two times his actual damages incurred, pursuant to N.R.S. 41.1395(1). Defendants conduct was reckless, oppressive, fraudulent and malicious entitling the Plaintiffs to recover their attorney's fees and costs incurred in this action, pursuant to N.R.S. 41.1395(2).

SECOND CAUSE OF ACTION

(Negligence)

25 Plaintiffs repeat, re-allege, and incorporate each and every paragraph contained above as though fully set forth herein at length

26 The Defendants are owners, operators, managers, administrators, and/or directors of the Silver Ridge Healthcare Center, and, each of them, owe a duty of care to their clients and residents of their facility



NURSING & REHABILITATION CENTER
3080 Park Run Drive
Las Vegas, Nevada 89145
702-367-0711 FAX 367-1816

27. The Defendants hold themselves out to the public as a facility providing rooms, board, linens and bedding, and nursing care, and such personal services as are required for the health, safety, and good grooming, and well-being of its patients, and as being properly equipped and staffed to provide such care for its patients and clients.

28. Plaintiff Williams was admitted to the care, custody, and control of the Defendants.

29. The Defendants had full knowledge of Plaintiff's condition at the time of his admission to the Defendants' care.

30. Instead, during Plaintiff's short stay at Silver Ridge Health Care Center, he suffered under their care, custody, and control, severe respiratory distress, choking, aspirational pneumonia, mental and physical pain, embarrassment and loss of dignity and privacy, forcing him to undergo hospitalization and medical treatment as a result and ultimately died.

31. The Defendants owed a duty to the Plaintiff to adequately supervise, train, and retain its nursing staff and employees and prevent them from taking actions that would harm the Plaintiff and/or require them to take action to care for the Plaintiff.

32. The Defendants breached their duty by failing to supervise its nursing staff and employees, and the care and treatment of Plaintiff.

33. The Plaintiff is entitled to two times his actual damages incurred, pursuant to N.R.S. 41.1395(1). Defendants' conduct was reckless, oppressive, fraudulent and malicious entitling the Plaintiffs to recover their attorney's fees and costs incurred in this action, pursuant to N.R.S. 41.1395(2).

THIRD CAUSE OF ACTION

(Punitive Damages)

34. Plaintiffs repeat, re-allege, and incorporate each and every paragraph contained above as though fully set forth herein at length.

35. The Defendants acted with oppression, fraud, malice, and/or with reckless indifference to the rights of the Plaintiff warranting punitive damages.

NURSING & THE JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
702-382-0711 FAX 382-5816

36. The Plaintiff is entitled to two times his actual damages incurred, pursuant to N.R.S 41.1395(1) Defendants' conduct was reckless, oppressive, fraudulent and malicious entitling the Plaintiffs to recover their attorney's fees and costs incurred in this action, pursuant to N.R.S 41.1395(2).

FOURTH CAUSE OF ACTION

(Loss of Chance)

37. Plaintiff Shapiro repeats, re-alleges, and incorporates each and every paragraph contained above as though fully set forth herein at length.

38. The Defendants' actions, omissions, and conduct reduced Plaintiff's chances of recovery from severe respiratory distress, choking, aspirational pneumonia, mental and physical pain, embarrassment and loss of dignity and privacy, forcing him to undergo hospitalization and medical treatment as a result.

39. As a direct and proximate result of the Defendants' actions, omissions, and conduct, Plaintiff's condition worsened and deteriorated and he lost the chance of recovering from severe respiratory distress, choking, aspirational pneumonia, mental and physical pain, embarrassment and loss of dignity and privacy, forcing him to undergo hospitalization and medical treatment as a result, and wrongful death

40 Plaintiff is entitled to two times his actual damages, pursuant to N.R.S 41 1395(1). Defendants' conduct was reckless, oppressive, fraudulent and malicious, entitling Plaintiffs to recover attorney's fees and costs incurred in this action, pursuant to N.R.S 41 1395(2)

NOW WHEREFORE, the Plaintiffs pray as follows:

1. For an award of compensatory damages in excess of $10,000;

2 For additional damages pursuant to NRS 41 1395,

2. For an award of punitive damages in an amount of to be proven at the time of trial.

3. For attorneys fees and costs of suit incurred herein; and

4. For such other and further relief as this Court deems just and proper

NURSING HOME JUSTICE CENTER

By _____
Terry A. Coffing, Esq.
Nevada State Bar No. 004949
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
702-382-0711 FAX: 382-5816

APPENDIX N

MARYLAND FINDINGS RE: CHALLENGE OF DECEDENT'S DOMICILE

IN THE ORPHANS' COURT

FOR

BALTIMORE CITY, MARYLAND

IN THE MATTER OF

THE ESTATE OF ESTATE NO: 62523

CHARLES L. WILLIAMS

Decedent

.....

MEMORANDUM AND ORDER

Statement of the Case

Charles Williams died November 4, 2002 with a Will in place dated September 15, 2002. In the will Mr. Williams left his entire estate to the Charles L. Williams Living Trust and named his daughter Terry L. Williams the Personal Representative. Terry Williams filed a Small Estate Petition for Probate on November 25, 2002. Ms. Williams was appointed the Personal Representative that same day and the will dated September 15, 2002 was admitted to probate.

On February 13, 2003 Charles L. Williams filed a Petition to Caveat the Will claiming that at the time the will was signed the decedent was mentally incompetent and that Terry Williams unduly influenced the decedent into making the will. During this period Charles Williams opened an Estate in Nevada stating that the decedent died a resident. Nevada appointed Mr. Williams Co-Administrator of the estate in Nevada with Jared Snater. When the Nevada court found out about the Maryland proceedings Mr. Williams was removed as the administrator of the Nevada estate.

BEST AVAILABLE COPY

At the Pre-Trial conference in May it was determined that before the Caveat proceeding could go forward the issue of whether or not Maryland was the proper Venue for this estate to be heard would be determined. Terry Williams' position was that the decedent moved to California, and than Nevada with her while he was ailing, but that the decedent always intended to return to Maryland when and if he recovered. Charles Williams' position was that the decedent lived with Ms. Williams for the last year and a half of his life he was too sick to care for himself anymore, and he had no intention of returning to Maryland.

Statement of the Law

The law in Maryland consistently looks to the intention of the person when trying to determine where a person's domicile is. In the case of *Blount v. Boston* it was held that once domicile is determined a presumption exist that it continues until there is evidence showing an abandonment of the domicile coupled with the acquisition of a new domicile, and that in order to effect such a change in domicile there must be actual removal to another habitation along with intention to stay there. The intention to acquire a new domicile without actual removal or the fact of removal without intention avails nothing. *Blount v. Boston*, 351 Md. 360 at 371-72, 718 A.2d 1144 at 1149 (Md. 1998).

In the case of *Stenton v. Abbott*, domicile was defined as "a place where a man has a true, fixed, permanent home, habitation and principal establishment, without any present intention of removing therefrom, and to which place he has, whenever he is absent, the intention of returning." *Stenton v. Abbott*, 178 Md. 526 at 530, 15 A.2d 906 at 908 (Md. 1940). The case goes on to say that to effect a change of domicile there must be an actual removal to another habitation, and intent to remain there permanently or at least

for an unlimited time. A temporary residence for the purpose of business, health or pleasure, does not constitute a change of domicile. *Id.* The *Sherman* case also sets out that a change in residence for the purpose of benefiting one's health does not usually effect a change of domicile. Even if the person knows that they will never be able to return home on account of their illness does not necessarily establish a change of domicile. *Id.* at 532, 909.

Lee v. Green also states that it is the intent of the person that is key in determining domicile. That case held that to effect a change in domicile there must be "a clear, definite intent and an act done in the execution of that intent." *Lee v. Green*, 195 Md. 462 at 469, 73 A.2d 889 at 892 (Md. 1950).

Discussion

The Maryland law is very clear that it is the intent of the person that determines if they have changed their place of domicile or not. In the case before us the Court does not believe that the decedent intended to change his domicile.

It is agreed by both sides that the decedent moved out to California with Ms. Williams about a year and a half prior to his death because he was no longer able to care for himself. It is contended by Mr. Williams that the decedent had no intent to return to Maryland because he not only moved to California to be with Ms. Williams, but that when she moved to Nevada he was with her and bought a house which he later quick claimed to Ms. Williams. Mr. Williams' contention is he moved to Nevada, bought a house, and the only reason he quick claimed it was because Ms. Williams pressured him into giving her the house. Ms. Williams' contention is that the decedent did that to help

Ms. Williams because she could not purchase a house on her own, and that the decedent always intended to return to his own home in Maryland when he was healthy enough.

Based on the evidence brought before the Court, it is inclined to agree with Ms. Williams that the decedent intended to return to Maryland if he could. The decedent maintained his Maryland driver's license, kept his vehicle registered in Maryland, maintained a bank account in Maryland, had insurance in Maryland, was making payments on the mortgage to the property in Maryland, and was paying his Maryland Property taxes. Mr. Williams states that a sickly elderly man is not worried about updating his license, and that he paid the property taxes to keep the property out of tax sale. These are salient points, but do not take in account the whole picture. If the decedent never intended to return to Maryland he almost certainly would have put the Maryland property up for sale rather than pay for a property he had no intention of returning to. Yet in the year and a half that the decedent was with Ms. Williams, he never contacted a real estate agent about selling the land. In addition all of the decedent's Medicare bills were coming to his address in Maryland.

The *Shenton* case stated that relocating for health reason does not constitute a change in domicile. This court believes that the decedent went to live with Ms. Williams so long as he was sick, and that at some point in time that he was better he would return to Maryland. This Court also believes that based upon the short period between when the decedent purchased the home in Nevada and when he quit claimed it to Ms. Williams, the decedent was trying to help Ms. Williams and did not intend to stay in the Nevada home permanently, though he may have viewed it as security in that he had some place to stay if he did not recover. It is accordingly

ORDERED this 16th day of ~~April~~ June 2004 by the Orphans' Court for Baltimore City that the State of Maryland is the proper Venue for the Estate of Charles L. Williams to be probated. It is further

ORDERED that this Court will proceed with the Petition to Caveat hearing scheduled for June 7, 8 and 9, 2004.

Joyce M. Baylor-Thompson
Chief Judge
The Judge's signature appears
on the original document only

54

In Testimony, That the aforegoing is a true copy taken from one of the Records of the proceedings of the Orphans' Court of Baltimore City. I hereunto subscribe my name and affix the seal of the said Court, this 12th day of July, in the year of our Lord two thousand and 2004

TEST:

Mary W. Conaway
Register of Wills for Baltimore City

Maryland, Set.

I, JOYCE M. BAYLOR THOMPSON, Chief Judge of the Orphans' Court of Baltimore City, in the State aforesaid, do certify that the aforegoing Attestation of MARY W. CONAWAY, Register of Wills for the said City, is in due form, and by proper officer.

Given under my hand, at the City of Baltimore, This 12th day of July in the year of our Lord two thousand and 2004

Joyce M. Baylor Thompson
JUDGE

STATE OF MARYLAND, Baltimore City, Set.

I, MARY W. CONAWAY, Register of Wills for Baltimore City, do hereby certify that the honorable JOYCE M. BAYLOR THOMPSON by whom the above certificate was given, and who hath hereto subscribed his name, was at the time of so doing, Chief Judge of the Orphans' Court of Baltimore City, duly elected, commissioned and qualified.

In Testimony Whereof, I hereunto subscribe my name and affix the seal of the said court, this 12th day of July in the year of our Lord two thousand and 2004

TEST

Mary W. Conaway
Register of Wills for Baltimore City

APPENDIX O

MARYLAND DISMISSAL OF CAVEAT CHALLENGE OF DECEDENT'S WILL

IN THE ORPHANS' COURT

FOR

BALTIMORE CITY, MARYLAND

IN THE MATTER OF

THE ESTATE OF ESTATE NUMBER 62523

CHARLES L. WILLIAMS

Decedent

***

April 6, 2004, the Orphans' Court for Baltimore City held that the State of Maryland was the proper venue to probate the Estate of Charles L. Williams and proceeded to hear the Petition to Caveat with regard to the issues of competency and undue influence.

DISCUSSION

Issue of Testamentary Capacity

At the June 7, 2004 hearing, the Petitioner/Caveator presented Gloria Batiste, the ex-wife of the deceased as of 1975, and a Dr. John Stokes, an expert witness on the subject of dementia. Ms. Batiste testified to her personal knowledge of a number of health ailments that Charles L. Williams suffered from prior to his death, along with some behavior allegedly displayed by the deceased which could be construed as consistent with a person suffering from dementia. Dr. John Stokes was established by the Court as an expert in the field of dementia based on his experience as a Doctor of Internal Medicine and his seven years of experience as a medical director of two separate nursing facilities. Dr. Stokes testified, based on reviewing the medical records of Charles L. Williams, that the deceased had been diagnosed with a mild form of dementia in September of 2002. Dr. Stokes then went on to testify that a patient suffering from mild dementia would experience a waxing and waning of mental capacity and would be oriented to either person, place or time, but not all three simultaneously during a period affected by dementia. Dr. Stokes further testified to the possibility of the deceased to have full capacity to understand the implications of signing his will one hour, and then possibly have no memory of signing his will in the next hour.

Issue of Undue Influence

No evidence or testimony was provided by the Petitioner as to the contingency of whether Ms. Terry Williams exercised undue influence over her father with regards to the preparation and his execution of the Will.

STATEMENT OF THE LAW

MD Code, Estates and Trusts 4-101 defines the standards for testamentary capacity required for the execution of a will. Under Acts 1798, c. 101, sub. 1, § 5, providing that no will shall be effectual for any purpose unless the person making it be, at the time of executing or acknowledging it, of sound and disposing mind, and capable of executing a valid deed or contract; he who is not competent to execute a valid deed or contract is incompetent to make a valid will, and the rule by which the capacity of a testator is therefore to be measured is whether at the time of executing or acknowledging his will, he was capable of executing a valid deed or contract. Davis v. Calvert, 25 Am. Dec. 282 (1833). The test of a testamentary capacity in the state of Maryland is, not whether the testator is "entirely sane," but whether "of sound and disposing mind, and capable of executing a valid deed or contract." Jones v. Collins, 94 Md. 403, 51 A. 398 (1902). The meaning of these words has been defined to be "that the testator must have had sufficient capacity, at the executing of the will, to make a disposition of his estate with judgment and understanding in reference to the amount and situation of his property, and the relative claims of the different persons who should have been the objects of his bounty." Colvin v. Warford, 20 Md. 357 (1863).

In the present case, no evidence was furnished by the Petitioner, Caveator, as to the deceased mental capacity at the time he executed the will. In a similar case, Herper v. Buchingham, 103 Md. 556, 64 A. 41 (1906), the question of testamentary capacity arose regarding a testator who had been diagnosed with a disease that eventually culminated in incapacity. In that case the court found that the testimony of the testator's attending physician "did not go to the extent of furnishing facts showing what the manifestations of the testator's mental operations was [at the time the will was executed]. The physician in this case testified that his judgment as to the testator's capacity was [wholly based] upon his pathological condition, and what that condition ought to eventuate in

Id. at 43. The court held that "evidence that the person (testator) has a disease which may or must eventuate in mental disease cannot prove, or standing alone tend to prove that at a given point of time that he is actually so afflicted." Id. Furthermore, in absence of proof of prior permanent insanity, Petitioner's/Caveator's "will" contest action must show that testator was incompetent at the time the "will" was executed in order to overcome presumption of sanity. Shuey v. Griffin, 341 A.2nd 838, 27 Md. App. 502 (1975) certiorari denied 276 Md. 749. The Petitioner/Caveator in the case at bar brought forth no evidence as to the mental capacity of the deceased at the time of the execution of the "will" and therefore, did not overcome the presumption of sanity.

The second assertion made by the Petitioner/Caveator, that Ms. Williams unduly induced the deceased was apparently abandoned at the argument of this Court, and it is therefore unnecessary to set out the elements of undue influence in this memorandum. Pursuant to MD Rules, Rule 2-519(b) at the close of the Petitioner's argument the Respondent requested a directed verdict. The Court considered all evidence and inferences in the light most favorable to the party against whom the motion is made and granted the Respondent's request.

* * * *

Upon the foregoing Petition to Caveat and Hearing thereon, it is this 12th day of July, 2004, by the Orphans' Court for Baltimore City

FOUND that the Petitioner has not proven by a preponderance of the evidence that Decedent lacked testamentary capacity when he executed his "will" on September 18, 2002. It is further

FOUND that the Petitioner has not proven that Respondent, Ms. Terry Williams, unduly influenced the deceased in creating and or executing said will. It is therefore

ORDERED that the Petition to Caveat be, and is hereby, DISMISSED

Joyce M. Baylor-Thompson
Chief Judge
The Judge's signature appears
on the original document only

In Testimony, That the aforegoing is a true copy taken from one of the Records of the proceedings of the Orphans' Court of Baltimore City. I hereunto subscribe my name and affix the seal of the said Court, this 12th day of July, in the year of our Lord two thousand and 2004

TEST

Mary W. Conaway
Register of Wills for Baltimore City

Maryland, Set.

I, JOYCE M. BAYLOR-THOMPSON, Chief Judge of the Orphans' Court of Baltimore City, in the State aforesaid, do certify that the aforegoing Attestation of MARY W. CONAWAY, Register of Wills for the said City, is in due form and by proper officer.

Given under my hand, in the City of Baltimore, This 12th day of July in the year of our Lord two thousand and 2004

Joyce M. Baylor-Thompson
JUDGE

STATE OF MARYLAND, Baltimore City, Set.

I, MARY W. CONAWAY, Register of Wills for Baltimore City, do hereby certify that the Honorable JOYCE M. BAYLOR-THOMPSON, by whom the above certificate was given, and who hath hereto subscribed his name, was at the time of so doing, Chief Judge of the Orphans' Court of Baltimore City, duly elected, commissioned and qualified.

In Testimony Whereof, I hereunto subscribe my name and affix the seal of the said court, this 12th day of July in the year of our Lord two thousand and 2004

TEST

Mary W. Conaway
Register of Wills for Baltimore City

APPENDIX P

NURSING HOME JUSTICE CENTER VS COVENANT CARE, INC., A CALIFORNIA CORP.

REGULARLY FILED CAPTION – FILED 2001

133.00

FILED

Dec 12 11 02 AM '01

CLERK

COMP
NURSING HOME JUSTICE CENTER
Dale A. Hayes, Esq.
Nevada State Bar No. 3430
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

JOSEPH A. LOEB AND KAREN HORMAN, SPECIAL CO-ADMINISTRATORS OF THE ESTATE OF RUTH G. LOEB

Plaintiffs,

vs

COVENANT CARE VEGAS, INC., a California corporation d/b/a SILVER RIDGE HEALTH CARE CENTER, DOE Individuals I through X, inclusive, and ROE corporations, I through X, inclusive.

Defendants

Case No. A443752
Department XIX

COMPLAINT

No Hearing Date
No Hearing Time

Plaintiffs, Joseph A. Loeb and Karen Horman, Special Co-Administrators of the Estate of Ruth G. Loeb, by and through their attorneys, Nursing Home Justice Center, for their Complaint against the above mentioned defendants alleges as follows:

I

FIRST CAUSE OF ACTION

1. Plaintiffs, Joseph A. Loeb and Karen Horman at all relevant times were residents of the State of Nevada, County of Clark, and are the authorized and appointed Special Co-Administrators of the Estate of Ruth G. Loeb deceased.

2. Defendant Covenant Care Vegas, Inc. d/b/a Silver Ridge Health Care Center

Page 1 of 5

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
TELEPHONE (702) 382-0711 FAX (702) 382-5816

RECEIVED
DEC 12 2001
COUNTY CLERK

REGULARLY FILED CAPTION – FILED 2002

• Original •

1330

COMP
NURSING HOME JUSTICE CENTER
Dale A. Hayes, Esq.
Nevada State Bar No. 5430
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711
Attorneys for Plaintiffs

FILED
Aug 2 2 59 PM '02
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVEN DEGERING, heir and Special Administrator of the Estate of Max A. Degering; and SUSAN DEGERING-HOCH, as heir of the Decedent, Max A Degering,

Plaintiff,

vs

COVENANT CARE VEGAS, INC., A California corporation d/b/a SILVER RIDGE HEATH CARE CENTER; DOES I through X, inclusive, and ROE corporations, I through X, inclusive,

Defendants

Case No A454344
Dept. VIII

COMPLAINT

No Hearing Date
No Hearing Time

Plaintiffs Steven Degering, heir and Special Administrator of the Estate of Max A. Degering, and Susan Degering Hoch as heir of the Decedent Max A. Degering, by and through their undersigned counsel, Nursing Home Justice Center, LLC, for their causes of action against the Defendant, Covenant Care Vegas, Inc. d/b/a Silver Ridge Health Care Center allege as follows:

I

GENERAL ALLEGATIONS

1 Plaintiff, Steven Degering, heir and Special Administrator of the Estate of Max A. Degering (Decedent), was at all times relevant hereto, a resident of the State of Nevada, County of Clark.

Page 1 of 11

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
702.382.0711 FAX 382.5816

RECEIVED
AUG 0 2 2002
COUNTY CLERK

MANIPULATED CAPTION – FILED 1/17/2003

15

133

COMP
Nursing Home Justice Center
Terry A. Coffing, Esq
Nevada State Bar No 4949
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 385-4357
Attorney for Plaintiffs

FILED
JAN 17 3 16 PM '03
Shirley B. Parraguirre
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

CHARLES WILLIAMS, JR., as Special Administrator of the Estate of Charles Williams,

Plaintiffs,

vs

AHP OF NEVADA, INC., d/b/a SILVER RIDGE HEALTH CARE CENTER and DOES and ROES I through X, inclusive,

Defendants

Case No A463073
Department II

COMPLAINT

Comes now the Plaintiff Charles Williams, Jr., as Special Administrator to the Estate of Charles Williams, by and through their attorneys of record, the Nursing Home Justice Center, and hereby complains and alleges as follows

ALLEGATIONS RELEVANT TO ALL CLAIMS

1 At all times mentioned herein, the Plaintiff Charles Williams was a resident of Clark County, State of Nevada

2 At all times mentioned herein, the Special Administrator to Charles Williams Estate, Charles Williams, Jr., is a resident of the State of Texas

3 Upon information and belief, the Defendants AHP of Nevada, Inc., and Silver Ridge Health Care were corporations authorized to do business within Clark County, State of Nevada

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
702-385-4357 FAX 382-5816

RECEIVED
JAN 17 2003
COUNTY CLERK

REGULARLY FILED CAPTION – FILED 2004

• Original •

8

135

COMP
Nursing Home Justice Center
Terry A. Coffing, Esq.
Nevada State Bar No. 4949
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711
Attorney for Plaintiffs

Feb 11 3 17 PM '04

FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

SHIRLEY SPEARMAN, heir and Special Administrator of the Estate of MARY BOWERS;

Plaintiff,

vs.

COVENANT CARE VEGAS, INC., A California corporation d/b/a SILVER RIDGE HEALTH CARE CENTER, DOES I through X, inclusive, and ROE corporations, I through X, inclusive,

Defendants.

Case No A480484
Dept. II

NURSING HOME JUSTICE CENTER
10001 Park Run Drive
Las Vegas, Nevada 89145
702 382-0711 FAX: 382-5816

RECEIVED
FEB 11 2004

COMPLAINT

Plaintiff, SHIRLEY SPEARMAN, heir and Special Administrator of the Estate of MARY BOWERS, by and through her undersigned counsel, Nursing Home Justice Center, LLC, for her causes of action against the Defendant, Covenant Care Vegas, Inc. d/b/a Silver Ridge Health Care Center, alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff, SHIRLEY SPEARMAN, heir and Special Administrator of the Estate of MARY BOWERS (Decedent), was, at all times relevant hereto, a resident of the State of Nevada, County of Clark.

///

///

40

Blackstone Civil/Criminal/Probate Court Case Inquiry

District Case Inquiry - Minutes

Home
Summary
Case Activity
Calendar
Continuance
Minutes
Parties
Judgments
District Case
Party Search
Corp Search
Atty. Search
Bar# Search
ID Search
Calendar Day
Holidays
Help
Comments &
Feedback
Legal Notice

Case 04-A-480484-C — Status CLOSED

Plaintiff Spearman, Shirley — **Attorney** ## Unknown ##

Defendant Covenant Care Vegas Inc — **Attorney** Cook, Scott R

Judge Walsh, Jessie — Dept. 10

Event 05/03/2004 at 09 00 AM — ALL PENDING MOTIONS 5/03/04

Heard By Walsh, Jessie

Officers Nora Pena Court Clerk
Lee Bahr, Reporter/Recorder

Parties	0001 - P1	Spearman, Shirley	No
	004949	Coffing, Terry A	Yes
	007730	Hamilton, Michael H	Yes
	0002 - D1	Covenant Care Vegas Inc	No
	005255	Cook, Scott R	Yes
	0003 - P	Estate Of Mary Bowers	No
	004949	Coffing, Terry A	Yes
	0004 - DB	Silver Ridge Health Care Center	No

DEFT'S NTC OF MTN & MTN TO STRIKE PORTIONS OF COMPLAINT _DEFT'S NTC OF MTN
& MTN TO DISQUALIFY PLTF'S COUNSEL & LAW FIRM

DEFT'S NTC OF MTN & MTN TO DISQUALIFY PLTF'S COUNSEL & LAW FIRM Argument by Mr Cook that it is inappropriate for Mr Hamilton to go forward to represent the Plff based on a conflict of interest because he previously represented his client Opposition by Mr Coffing, he argued it is their burden to show that Mr Hamilton has some knowledge he has none and noted all the Covenant cases are from California He believed there would be prejudice to his client and disqualification would be harassment as they have not met their burden Reply by Mr Cook regarding Mr Hamilton s in sight of the case Court noted Mr Hamilton represented Covenant Care on 10 other cases and he knows of the company's strength and weakness Court sees conflict of interest, and will disqualify Mr. Hamilton COURT ORDERED motion GRANTED Mr Cook to prepare the Order Mr Coffing requested certification of Court s orde: COURT ORDERED, matter STAYED and Mr Cook to submit the order in 10 days

Mr Cook asked to continue the motion to strike to allow Mr Coffing to review it COURT ORDERED Deft's motion to strike portions of complaint is DEFERRED at counsel's reques.

Due to time restraints and individual case loads, the above case record may not reflect all information to date

APPENDIX Q

COVENANT CARE, INC.
CALIFORNIA BUSINESS ENTITY DETAIL

Business Search - Business Entities - Business Programs

Business Entities (BE)

Online Services
- Business Search
- Disclosure Search
- E-File Statements
- Mail Processing Times

Main Page

Service Options

Name Availability

Forms, Samples & Fees

Annual/Biennial Statements

Filing Tips

Information Requests (certificates, copies & status reports)

Service of Process

FAQs

Contact Information

Resources
- Business Resources
- Tax Information
- Starting A Business
- International Business Relations Program

Customer Alert
* (unreasonably onerous solicitations)

Business Entity Detail

Entity Name:	COVENANT CARE VEGAS, LLC
Entity Number:	C1956294
Date Filed	12/20/1996
Status	ACTIVE
Jurisdiction	CALIFORNIA
Entity Address.	27071 ALISO CREEK RD STE 160
Entity City, State, Zip	ALISO VIEJO CA 92656
Agent for Service of Process.	ANDREW P TOBIN
Agent Address	27071 ALISO CREEK RD STE 00
Agent City, State, Zip	ALISO VIEJO CA 92656

* Indicates the information is not contained in the California Secretary of State's database

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code section 2114 for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to Name Availability.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to Information Requests.
- For help with searching an entity name, refer to Search Tips.
- For descriptions of the various fees and status types, refer to Field Descriptions and Status Definitions.

Modify Search New Search Printer Friendly Back to Search Results

Privacy Statement | Free Document Readers

Copyright © 2000 California Secretary of State

COVENANT CARE, INC.
NEVADA BUSINESS ENTITY DETAIL

Entity Details - Secretary of State Nevada

COVENANT CARE VEGAS, INC.

Business Entity Information

Status:	Active	First Date:	3/21/1997
Type:	Foreign Corporation	Entity Number:	C5996-1997
Qualifying State:	CA	List of Officers Due:	3/31/2010
Managed By:		Expiration Date:	
NV Business ID:	NV19971131584	Business License Exp:	

Registered Agent Information

Name:	GKL RESIDENT AGENTS/FILINGS, INC.	Address 1:	1000 EAST WILLIAM STREET STE 204
Address 2:		City:	CARSON CITY
State:	NV	Zip Code:	89701
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	100.00	Capital Amount:	$ 0

No stock records found for this company

Officers

☐ Include Inactive Officers

President - ROBERT LEVIN			
Address 1:	27071 ALISO CREEK RD #100	Address 2:	
City:	ALISO VIEJO	State:	CA
Zip Code:	92656	Country:	
Status:	Active	Email:	
Director - ROBERT LEVIN			
Address 1:	27071 ALISO CREEK RD #100	Address 2:	
City:	ALISO VIEJO	State:	CA
Zip Code:	92656	Country:	
Status:	Active	Email:	
Treasurer - CHRISTINE SIMS			
Address 1:	27071 ALISO CREEK RD #100	Address 2:	
City:	ALISO VIEJO	State:	CA
Zip Code:	92656	Country:	
Status:	Active	Email:	
Secretary - ANDREW F TOROK			
Address 1:	27071 ALISO CREEK RD #100	Address 2:	
City:	ALISO VIEJO	State:	CA
Zip Code:	92656	Country:	
Status:	Active	Email:	

AHP OF NEVADA
NEVADA BUSINESS ENTITY DETAIL

Entity Details - Secretary of State Nevada

AHP OF NEVADA, INC.

Business Entity Information

Status:	Active	File Date:	4/14/1997
Type:	Domestic Corporation	Entity Number:	C7923-1997
Qualifying State:	NV	List of Officers Due:	4/30/2010
Managed By:		Expiration Date:	
NV Business ID:	NV19971149385	Business License Exp:	

Registered Agent Information

Name:	CSC SERVICES OF NEVADA, INC	Address 1:	502 EAST JOHN STREET
Address 2:		City:	CARSON CITY
State:	NV	Zip Code:	89706
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	$ 10 00
Par Share Count:	1,000 00	Par Share Value:	$ 0 01

Officers

Include Inactive Officers

President - JAMES F FLAHERTY III

Address 1:	3760 KILROY AIRPORT WAY STE 300	Address 2:	
City:	LONG BEACH	State:	CA
Zip Code:	90806	Country:	
Status:	Active	Email:	

Director - PAUL CALLAGHER

Address 1:	3760 KILROY AIRPORT WAY, 300	Address 2:	
City:	LONG BEACH	State:	CA
Zip Code:	90806	Country:	USA
Status:	Active	Email:	

Secretary - EDWARD J HENNING

Address 1:	3760 KILROY AIRPORT WAY STE 300	Address 2:	
City:	LONG BEACH	State:	CA
Zip Code:	90806	Country:	
Status:	Active	Email:	

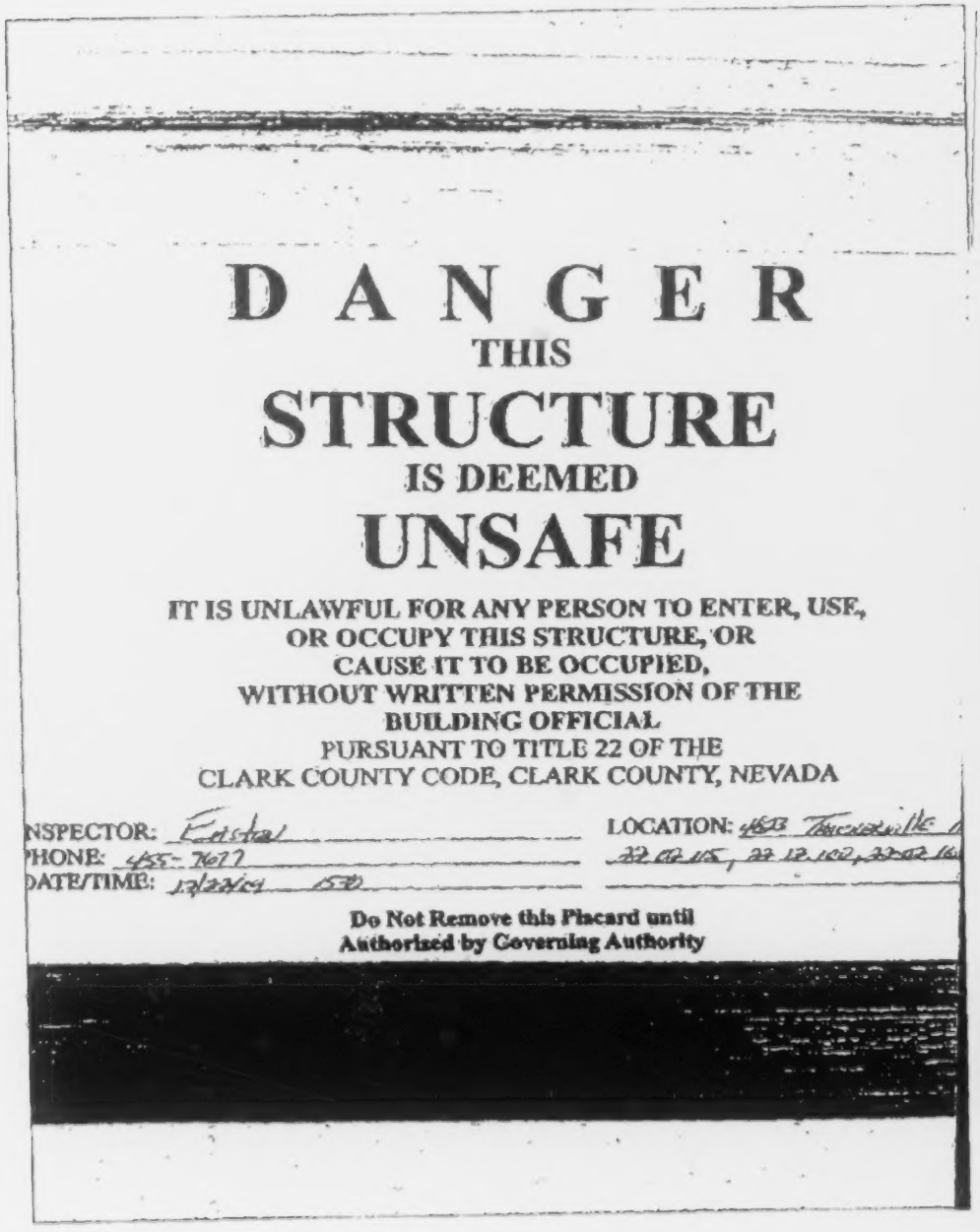
Treasurer - THOMAS M HERZOG

Address 1:	3760 KILROY AIRPORT WAY STE 300	Address 2:	
City:	LONG BEACH	State:	CA
Zip Code:	90806	Country:	
Status:	Active	Email:	

http://nvsos.gov/sosentitysearch/PrintCorpLegacy.aspx?lx8nvq=zZXTuSJ-nD2-AMeXoJ-Rw*,

APPENDIX R

DANGER – STRUCTURE DEEMED UNSAFE



D A N G E R

THIS

STRUCTURE

IS DEEMED

UNSAFE

IT IS UNLAWFUL FOR ANY PERSON TO ENTER, USE, OR OCCUPY THIS STRUCTURE, OR CAUSE IT TO BE OCCUPIED, WITHOUT WRITTEN PERMISSION OF THE BUILDING OFFICIAL

PURSUANT TO TITLE 22 OF THE CLARK COUNTY CODE, CLARK COUNTY, NEVADA

INSPECTOR: Eastal

PHONE: 455-7677

DATE/TIME: 12/22/04 1530

LOCATION: 4833 Thicketville

22 62 15, 22 12 102, 22 02 16

Do Not Remove this Placard until Authorized by Governing Authority

BEST AVAILABLE COPY

APPENDIX S

CLARK COUNTY, NEVADA
LISTED CODE VIOLATIONS

22.02.115 Enforcement--Occupancy violations. Whenever any building or structure or building service equipment therein regulated by this chapter and the technical codes is used contrary to the provisions of the technical codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such persons shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes. Any person who shall knowingly proceed to occupy or use any building, structure, or building service equipment in violation of any written notice shall be guilty of a misdemeanor. (Ord. 3618 § 2 (part), 2008)

22.12.100 Dangerous building defined. "Dangerous building" means any building or structure which has any or all of the conditions or defects hereinafter described and shall be deemed to be a dangerous building and the nuisance, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(a) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

(b) Whenever the walking surface of any aisle, passage, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

(c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress of stresses allowed in the

building code for new buildings or similar structure, purpose or location;

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;

(e) Whenever any portion, member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings or similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings;

(g) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

(h) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration or decay; (2) faulty construction, (3) the removal, movement or instability of any portion of the ground necessary for the purpose of movement or instability of any portion of the ground necessary for the purpose of supporting such building, (4) the deterioration, decay or inadequacy of its foundation, or (5) any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

(j) Whenever the exterior walls or other walls or other vertical structural members list, lean or buckle to such an

extent that a plumbline passing through the center of gravity does not fall inside the middle one-third of the base;

(k) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (1) an attractive nuisance or hazardous; (2) a harbor for vagrants, criminals or immoral persons; or as to (3) enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

(m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the building code or housing code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings;

(n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent, or in any supporting part, member or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage,

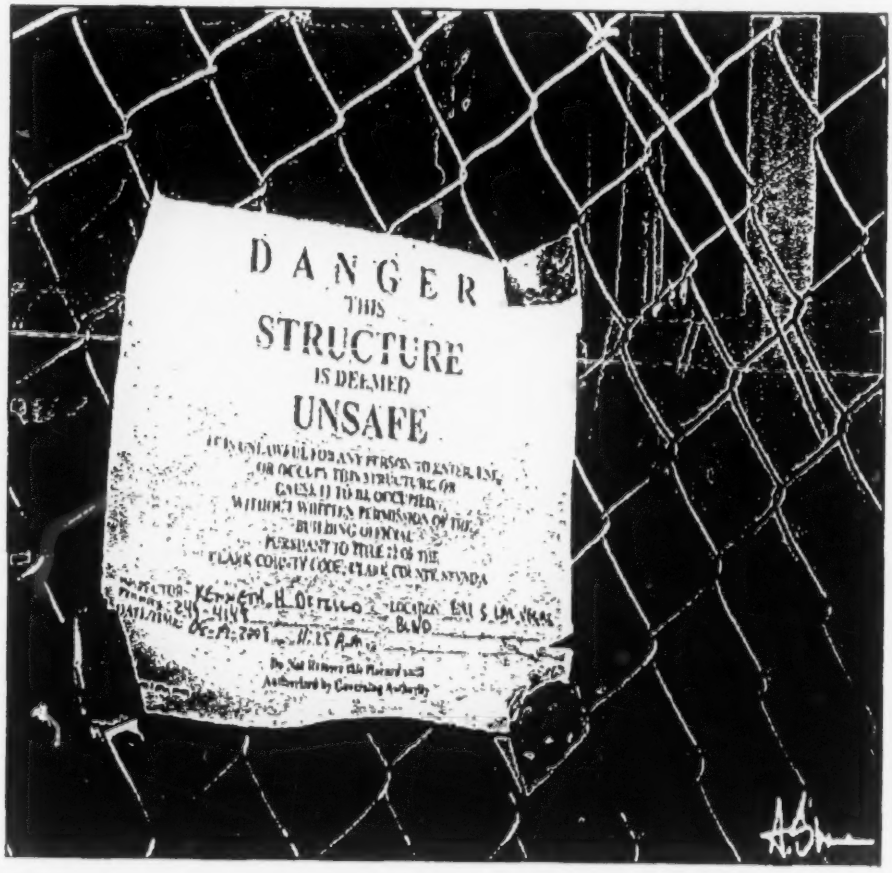
inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas, connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard. (Ord. 1437 § 2 (part), 1992)

22.02.160 Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, ATS, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment. Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such act shall constitute a violation of this chapter. Any day of any violation of this chapter shall constitute a separate offense. (Ord. 3618 § 2 (part), 2008)

APPENDIX T

PHOTOGRAPH OF ACTUAL CONDEMNED PROPERTY IN CLARK COUNTY, NEVADA



APPENDIX U

GUARDIANSHIP – BETTY FRANZ NEVADA STATE COURT MINUTES 10/21/2009

G-08-032339-A

DISTRICT COURT
CLARK COUNTY, NEVADA

Guardianship of Adult	COURT MINUTES	October 21, 2009

G-08-032339-A	In the Matter of the Guardianship of: Betty Mae Franze, Adult Ward(s)

October 21, 2009	9:00 AM	Hearing

HEARD BY: Norheim, Jon COURTROOM: Courtroom 09

COURT CLERK: Maggie Carrillo

PARTIES:

Betty Franze, Ward, not present	
Emily Kardt, Petitioner, Temporary Guardian, not present	Michael Olsen, Attorney present
Jared Shafer, Temporary Guardian, Guardian of Person and Estate, not present	Shelley Krohn, Attorney, Attorney, not present
Jared Shafer, Trustee, present	
Marilyn Bracero, Petitioner, Temporary Guardian, present	Michael Olsen, Attorney, present
Parties Receiving Notice, Other, not present	
Patience Bristol, Temporary Guardian, Guardian of Person and Estate, not present	Shelley Krohn, Attorney, Attorney, not present

JOURNAL ENTRIES

- Data Goldsmith, Bar # 4270, Present

G-08-052339-A

The Guardianship Commissioner was sitting under direction and in lieu of the Guardianship Judge.

Mr. Olsen requested permission to file an Errata to the Petition with Exhibits for the Court to consider today.

Errata to Petition to Declare Real Property an Asset of Bettie Mae Franze 2008 Trust and to Enforce the Settlement Agreement was FILED IN OPEN COURT.

Arguments by Mr. Olsen regarding the original deed being found and it already being executed. Mr. Olsen stated Mr. Mulvaney's office received the documents back from the Recorder due to an incorrect fee amount. At that time Mr. Mulvaney was in the process of moving and forgot to mail the documents back to the Recorder with the correct fees. Mr. Olsen requested an Order, Ordering the guardian to terminate the conservatorship in California.

Arguments by Ms. Goldsmith regarding the property being in California and there being jurisdiction issues. Counsel stated the Nevada Guardian has no authority in the State of California. Further arguments.

Further arguments regarding fees and costs.

Mr. Olsen's client agreed in open court to move out of the property within 30 days.

COMMISSIONER RECOMMENDED, Mr. Shafer shall DISPOSE of the ward's Real Property using the most economical means and keep the money in a separate account. If there's any money left over, the Court will decide whether it should be put in the Trust or the Estate. If the ward decides she wants to change her Trust Beneficiary, a new evaluation shall be done to determine whether she continues to have testamentary capacity. Ms. Bracero shall VACATE the property within two weeks 11/4/09. Ms. Goldsmith shall submit the Order and have Mr. Olsen sign off.

INTERIM CONDITIONS:

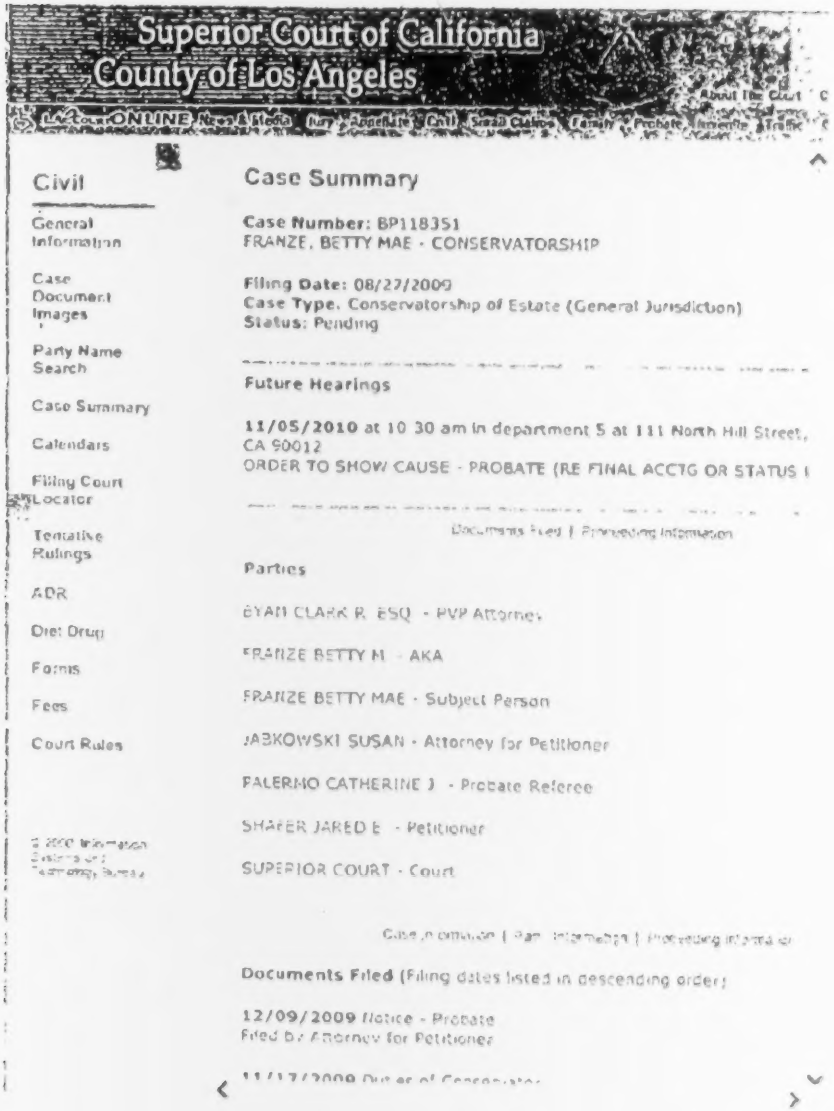
FUTURE HEARINGS:

Canceled: October 21, 2009 9:00 AM Hearing

APPENDIX V

GUARDIANSHIP – BETTY FRANZ
CALIFORNIA COURT MINUTES
FILED - 8/27/2009

Los Angeles Superior Court - Civil Case Summary



Superior Court of California
County of Los Angeles

About the Court

Civil

General Information

Case Document Images

Party Name Search

Case Summary

Calendars

Filing Court Locator

Tentative Rulings

ADR

Dist Drug

Forms

Fees

Court Rules

© 2009 Information Systems of Technology Bureau

Case Summary

Case Number: BP118351
FRANZE, BETTY MAE - CONSERVATORSHIP

Filing Date: 08/27/2009
Case Type: Conservatorship of Estate (General Jurisdiction)
Status: Pending

Future Hearings

11/05/2010 at 10 30 am in department 5 at 111 North Hill Street, CA 90012
ORDER TO SHOW CAUSE - PROBATE (RE FINAL ACCTG OR STATUS I

Documents Filed | Proceeding Information

Parties

BYAN CLARK R ESQ - PVP Attorney

FRANZE BETTY M - AKA

FRANZE BETTY MAE - Subject Person

JABKOWSKI SUSAN - Attorney for Petitioner

PALERMO CATHERINE J - Probate Referee

SHAFER JARED E - Petitioner

SUPERIOR COURT - Court

Case Information | Party Information | Proceeding Information

Documents Filed (Filing dates listed in descending order)

12/09/2009 Notice - Probate
Filed by: Attorney for Petitioner

11/17/2009 Duties of Conservator

APPENDIX W

18 U.S.C. §1965 – CIRCUIT CONFLICT RICO Nationwide Jurisdiction By: Gregory P. Joseph Law Offices

Gregory P. Joseph Law Offices LLC
RICO — Nationwide Jurisdiction under 18 U.S.C. § 1965 — **Circuit Split**

The plaintiff in Allstate Ins. Co. v. Plambeck, 2009 U.S. Dist. LEXIS 10302 (N.D. Tex. Jan. 30, 2009), brought this civil RICO action against chiropractors who allegedly submitted fraudulent bills and attorneys allegedly involved in the fraudulent scheme. Only one defendant resided in the district:

Most courts have interpreted [18 U.S.C.] section 1965(b) to confer nationwide jurisdiction in a RICO action over nonresident defendants if the plaintiff can establish personal jurisdiction over at least one defendant under section 1965(a). See Rolls-Royce Corp. v. Heros, Inc., 576 F.Supp.2d 765, 778-79 (N.D. Tex. 2008) (citing cases); Oblio Telecom, Inc. v. Patel, No. 3-08-CV-0279-L, 2008 WL 4936488 at *4 (N.D. Tex. Nov. 18, 2008) (citing cases). Stated differently, if a RICO plaintiff can show that at least one defendant "resides, is found, has an agent, or transacts his affairs" in the forum, then jurisdiction is proper as to all other defendants if "the ends of justice require." Rolls-Royce, 576 F.Supp.2d at 779; Paolino v. Argyll Equities, L.L.C., 401 F.Supp.2d 712, 718 (W.D. Tex. 2005). Due process in such cases is satisfied if the nonresident defendant has sufficient minimum contacts with the United States. See Busch, 11 F.3d at 1258; Rolls-Royce, 576 F.Supp.2d at 782.

[Footnote 2 — Circuit Split.] A circuit split has developed on the issue of which subsection of the RICO statute grants nationwide jurisdiction. The Second, Seventh, Ninth, and Tenth Circuits have determined that subsection 1965(b) confers nationwide service of process in RICO cases. See PT United Can Co. v. Crown Cork & Seal Co., 138 F.3d 65, 71 (2d Cir. 1998); Lisak v. Mercantile Bancorp, Inc., 834 F.2d 668, 671 (7th Cir. 1987), cert. denied, 108 S.Ct. 1472 (1988); Butcher's Union Local No. 498 v. SDC Investments, Inc., 788 F.2d 535, 539-39 (9th Cir. 1986); Cory v. Aztec Steel Building, Inc., 468 F.3d 1226, 1230 (10th Cir. 2006), cert. denied, 127 S.Ct. 2134 (2007). The Fourth and Eleventh Circuits have held that section 1965(d) is the relevant subsection. See ESAB Group, Inc. v. Centricut, Inc. , 126 F.3d 617, 626-27 (4th Cir. 1997), cert. denied, 118 S.Ct. 1364 (1998); Republic of Panama v. BCCI Holdings, 119 F.3d 935, 942 (11th Cir. 1997). Although the Fifth Circuit has not yet decided the issue, most federal courts in Texas, including two judges in this district, have followed the majority rule. See Rolls-Royce Corp. v. Heros, Inc., 576 F.Supp.2d 765, 779 (N.D. Tex. 2008); Oblio Telecom, Inc. v. Patel, No. 3-08-CV-0279-L, 2008 WL 4936488 at *4 (N.D. Tex. Nov. 18, 2008); Hawkins v. The Upjohn Co., 890 F.Supp. 601, 605-06 (E.D.Tex. 1994). It is undisputed that Michael Kent Plambeck, the alleged mastermind of the RICO conspiracy, resides in the Northern District of Texas, and that 17 of his CSG clinics are located in this district. Nor is there any dispute that the Magelaner Defendants, who represent accident victims in Ohio and occasionally in Indiana, have minimum contacts with the United States. Therefore, the court may exercise personal

jurisdiction over the Magelaner Defendants under section 1965(b) if "the ends of justice require."

["Ends of Justice."] "[T]he 'ends of justice' is a flexible concept uniquely tailored to the facts of each case." Cory v. Aztec Steel Building, Inc., 468 F.3d 1226, 1232 (10th Cir. 2006), cert. denied, 127 S.Ct. 2134 (2007). In a RICO action, the "ends of justice" require nationwide service of process to further the Congressional intent of allowing "plaintiffs to bring all members of a nationwide [ ] conspiracy before a court in a single trial." Butcher's Union Local No. 498 v. SDC Investments, Inc., 788 F.2d 535, 539 (9th Cir. 1986), citing Sanders v. United States, 373 U.S. 1, 17, 83 S.Ct. 1068, 1078, 10 L.Ed.2d 148 (1963); accord Johnson v. Investacorp, Inc., No. 3-89-CV-2607-H, 1990 WL 25034 at *1 (N.D. Tex. Jan. 31, 1990). Nationwide service of process also promotes the "ends of justice" where, as here, numerous defendants reside in different states, and there likely is no alternative forum in which jurisdiction would be proper as to all defendants. See Johnson, 1990 WL 25034 at *2 (exercise of nationwide jurisdiction under section 1965 was appropriate where at least three defendants were Texas residents and other defendants resided in such diverse locales as Florida, California, Illinois, Missouri, and Colorado); see also Hewlett-Packard Co. v. Byd:Sign, Inc. , No. 6-05-CV-456, 2006 WL 2822151 at *10 (E.D. Tex. Sept. 28, 2006).

While recognizing that the RICO statute authorizes nationwide service of process, the Magelaner Defendants [attorney defendants] argue that the "ends of justice" do not require that they be brought before the court because plaintiffs have failed to "plead with particularity overt acts within the forum taken in furtherance of the conspiracy." ...

This argument misses the mark. There is no requirement that a plaintiff plead or prove that a nonresident defendant committed an overt act within the forum in furtherance of a RICO conspiracy. All that is required is for the plaintiff to show that at least one defendant "resides, is found, has an agent, or transacts his affairs" in the district, that the nonresident defendant has minimum contacts with the United States, and that "the ends of justice" require the exercise of personal jurisdiction over the nonresident. ***

The Magelaner Defendants also suggest that the exercise of personal jurisdiction does not comport with the constitutional requirement of due process. ... "While the expansive minimum contacts test under a nationwide service of process provision does not obviate due process concerns, the Fifth Circuit has [ ] held that, in the context of a nationwide service of process provision, 'it does not offend traditional notions of fair play and substantial justice to exercise personal jurisdiction over a defendant residing within the United States.'" Rolls-Royce, 576 F.Supp.2d at 782, quoting Busch, 11 F.3d at 1258.*** [Footnote 3.] Although another Fifth Circuit panel has criticized the Busch test for exercising personal jurisdiction over a nonresident defendant in a nationwide service of process case, see Bellaire General Hospital v. Blue Cross Blue Shield of Michigan, 97 F.3d 822, 826 (5th Cir. 1996), Busch has never been overruled and has been consistently followed by district courts within the circuit. See Rolls-Royce, 576 F.Supp.2d at 782.

485 Lexington Avenue, 30th Floor, New York, New York 10017
Tel. +1 (212) 407-1200
Copyright © 2010 Gregory P. Joseph Law Offices LLC. All rights reserved. Disclaimer Attorney Advertising Notice

APPENDIX X

THE LATE JUDGE THOMAS FOLEY RE: ATTORNEYS FOR THE ESTATE:

"The attorneys for the estate, that same firm now that you're telling me should be given the opportunity to come in here and nominate the successor of the man that I'm removing, they used a margin account to their own personal benefit of over a million dollars. They caused a loss to this estate as near as I can tell of maybe upwards of seven or eight million dollars. I'm not sure yet. This is what alarmed me. This is why on my initiative on the 14th of October I issued the Order of Citation To Show Cause. That's why I said to Mr. Pico: Mr. Pico find me somebody such as Mr. Williams that's knowledgeable in the field of finance and trust that knows the law of this state ***so I can somehow go to sleep at night knowing that these people are not preying on the estates of deceased persons in this community.***"

Reporter's Transcript in Earl Wilson's Estate, 1/21/88, p. 53 (Emphasis supplied)

Oscar Hartwig to succeed Mr. Wolzinger as Executor of Earl Wilson's Estate, Judge Foley stated:

> The attorneys for the estate, that same firm now that you're telling me should be given the opportunity to come in here and nominate the successor of the man that I'm removing, they used a margin account to their own personal benefit of over a million dollars. They caused a loss to this estate as near as I can tell of maybe upwards of seven or eight million dollars. I'm not sure yet. This is what alarmed me. This is why on my initiative on the 14th of October I issued the Order of Citation To Show Cause. That's why I said to Mr. Pico, Mr. Pico, find me somebody such as Mr. Williams, that's knowledgeable in the field of finance and trust that knows the law of this state so I can somehow go to sleep at night knowing that these people are not preying on the estates of deceased persons in this community.

Reporter's Transcript in Earl Wilson's Estate, 1/21/88, p. 57 [Emphasis supplied.]

Based upon these and several other similar statements made by Judge Foley in Earl Wilson's estate proceedings[1] Mr. Wolzinger became concerned that Judge Foley had prejudged, without any hearing or opportunity to respond, the question of whether Mr. Wolzinger and his former attorneys had committed wrongful acts for which Mr. Wolzinger should be surcharged up to eight million dollars. Mr. Wolzinger was also concerned that Judge Foley would unduly credit the testimony of his self-styled

---

[1] For example, at the conclusion of a hearing upon Mr. Wolzinger's petition to advance closing costs to Earl Wilson's ancillary estate in Oregon, Judge Foley gratuitously suggested that this could be a case where Mr. Wolzinger should be substantially surcharged. Reporter's Transcript in Earl Wilson's Estate, 12/23/87, p. 12.

BEST AVAILABLE COPY

APPENDIX Y

SUBSEQUENT EX PARTE APPOINTMENT OF JARED E. SHAFER – ESTATE OF EARL WILSON - JUNE 11, 1990

"...On June 11, 1990, Jared Shafer, Public Administrator, ("Shafer"), filed his Petition for Appointment of Special Administrator in these proceedings and alleged in support of his Petition that he is:

> *...the nominee of Ruth Wolzinger, Executrix of the Estate of Hazel Wilson, deceased, the surviving spouse of Earl Wilson and sole beneficiary of this Estate.*

An Order Appointing Special Administrator was signed on the 11th day of June, 1990, by Judge John McGeoarty immediately after the filing of the Petition. Letters of Administration were issued to Shafer on the same afternoon as the Petition was filed. No notice was given to any party to these proceedings except Lionel Sawyer & Collings who represents not only Hartwig, but Ruth Wolzinger. (The Receipt of Copy generated by that firm shows that that firm was instrumental in obtaining the appointment of Shafer who ostensibly appeared pro-per).

STATEMENT OF THE PROCEEDINGS

Duane Clary, ("Clary"), was appointed Executor of this Estate on the 31st day of January, 1990. His appointment was appealed by Oscar Hartwig, ("Hartwig"), who on the 16th day of March, 1990, petitioned the Supreme Court to stay the Estate proceedings pending the appeal.

On June 8, 1990, the Supreme Court granted the stay. A copy of its Order is attached hereto as Exhibit "1". The court specifically stayed all proceedings in this Estate case and stated:

> The district court shall suspend the present executor and appoint a special administrator, if necessary, to preserve the estate during the pendency of this appeal.

On June 11, 1990, Jared Shafer, Public Administrator, ("Shafer"), filed his Petition for Appointment of Special Administrator in these proceedings and alleged in support of his Petition that he is:

> the nominee of Ruth Wolzinger, Executrix of the Estate of Hazel Wilson, deceased, the surviving spouse of Earl Wilson and sole beneficiary of this Estate.

An Order Appointing Special Administrator was signed on the 11th day of June, 1990, by Judge John McGroarty immediately after the filing of the Petition. Letters of Administration were issued to Shafer on the same afternoon as the Petition was filed. No notice was given to any party to these proceedings except Lionel Sawyer & Collins who represents not only Hartwig, but Ruth Wolzinger. The Receipt of Copy generated by that firm shows that that firm was instrumental in obtaining the appointment of Shafer who potentially appeared proper.

There is no order suspending Clary, although the Supreme Court in its order gave that right to the district court. Therefore, the appointment of Shafer was premature and not in conformity with the procedures laid out by the Supreme Court.

POINTS AND AUTHORITIES

I

Under The Circumstances Of This Case, The Petition For Special Administrator Required Notice And An Opportunity To Be Heard

Clary contends that under the circumstances surrounding this case, an order granting the Petition for Special Administrator should only have been entered after notice to interested parties and an opportunity to be heard on the matter

NRS 140.020 governs the notice and order of appointment of special administrators NRS 140 020 (1) specifically provides

> The appointment of a special administrator may be made at chambers, and without notice or upon such notice to such of the persons interested in the estate as the court or judge may deem reasonable, and shall be made by entry upon the minutes of the court or by written order signed and filed, which shall specify the powers to be exercises by the special administrator (Emphasis added)

This estate has been the subject of much controversy and heated litigation over the past two and one-half years. It involves intricate factual matters, complex relationships between several parties and numerous legal issues Since some of the parties involved have ties to the legal community, many of the Judges of the Eighth Judicial District have recused themselves to avoid potential conflicts or the appearance of impropriety Only recently has this matter been assigned to Department XIV Currently, approximately ten

APPENDIX Z

LAS VEGAS TRIBUNE ARTICLE PUBLIC ADMINISTRATOR'S OFFICE UNDER HEAVY SCRUTINY 7/4/2002

Public Administrator's Office Under Heavy Scrutiny

Jared Shafer

By Dwayne D. Eukel
Editor – Las Vegas Tibune
July 4, 2002

When long-time Boulder City resident and senior citizen, David J. Pletz wrote the following letter on August 11, 2000, he was quite able to express himself clearly, adamantly and with passion. Since the Public Administrator/Public Guardian's Office has taken control of his life, his wife, and his son's lives, he may not even remember his own name today.

The letter was addressed to then Senior Deputy Public Guardian, of the Clark County Public Guardian's Office, Kerrie Hutchings, and sent to 1700 Pinto Lane, Las Vegas, Nevada 89106.

"Dear Kerrie:

For over a year now, you have wantonly imposed your will on me. Against the will of my wife, my son and myself. You have taken our home, seized our property and physically split up our family. Prior to your invasion into our lives we were living the 'American Dream'... enjoying a quiet happy suburban lifestyle. You have repeatedly refused to provide me with a full accounting of my estate. You have repeatedly refused to provide the funds from my estate so that I can hire an attorney to contest this guardianship, and/or sue for damages pursuant to the same. Your last response to me was, "get your own lawyer."

First you seized my estate, stole all my assets and then you essentially required me to get an attorney from another source. It's similar to someone taking everything you own, holding you against your will and then, when you request a drink of water you're told, 'find a way to get some water on your own.'

You probably take exception to my choice of the adjectives, "seize and stole." But how else can it be described? Let me do everything you have done to us all in the name of "protection" – and if the lifestyle you have forced Martha, David and myself to accept is what you have defined as protection, please Kerrie, let us be unprotected!"

The letter went on to read:

"Within the last few days, I had the occasion to examine an affidavit in support of a temporary protective order, which I understand you had a hand in preparing, pitting myself and my wife against our

son. For the record, let me emphatically proclaim that the document at issue was totally fabricated. At no time has my son ever assaulted, threatened, intimidated, harassed, or ever manipulated either my wife or myself. The mere suggestion that he has done so is a vicious lie, created by you and your colleagues – so that you all could swindle us out of our life's savings and assets.

Any information provided to you by my daughter, whom I love dearly, should have been sifted through carefully as she has ulterior motives – in that she has been upset that Martha and my decision was to exclude her from our will in favor of our son David. You must admit that we have the right to do so without the State's interference. Moreover, you had no right to circumvent our fully executed will naming David as the major beneficiary of our estate. This document was seized by you, along with all the other items in our home."

Mr. Pletz' continued in his letter with reasonable and heartfelt demands. Most agree that the demands should have been met immediately. They were not. No action was taken by authorities to resolve the serious issue at hand, and in fact, the Public Administrator – Jared Shafer and Public Guardian's Office has not only ignored Mr. Pletz' letter, but has managed to cover-up the whole affair – until now. The demands were as follows:

"1) Number one, I do not want to discuss the contents of this letter or it's subject matter with you verbally. I hereby place you and your office on notice, if you have any concerns with the issues that I have raised, please do as I have, put it in writing... Any attempt by you or

your colleagues will be lawfully interpreted as harassment and I shall immediately apply for a protective order to protect myself and family against the same.

2) I married Martha so we could spend the rest of our lives together. You will make immediate arrangements for us to reside together. Surely some type of home-care arrangements could be made so that she receives the proper care in consideration of her condition:

3) You will immediately provide me with a full accounting of ali property that was in my home when you seized it:

4) You will immediately provide me with all necessary information and documentation to support the same indicating how, when and for what price my home and any other assets were sold for, if it was sold:

5) I'm sure it's quite obvious what property belonged to Martha and myself and what property belonged to David (my son). You are suffering from delusions if you believe that the Star Wars collectibles, the other collectibles, video games, his legal documents, firearms, Martial Arts equipment, extra large men's clothes, photographs, personal effects and home movies belonged to Martha or myself. That property belongs to David, my son and he is entitled to it immediately.

6) I worked my entire life to get where I was before you and your office stole it all from us. Therefore, my

ultimate objective is to put it back together again and relocate....

7) Lastly, it has been made abundantly clear that the Public Administrator/Public Guardian's Office has disapproved of the way we have, in your opinion ("sheltered and protected) David. Had you not entered the matter with extreme prejudice you should have detected that David has suffered from a learning disability his entire life, which renders him unable to take care of himself. "

"If it was your intention to dump him on the streets of Las Vegas, homeless, congratulations, you have succeeded. You constantly told me, 'David's 45 years-old, he'll figure it out...' -- I agree, he's 45 years-old, in age, but he has the actual capacities of a pre-teen. You will not renew the protective order against my son. I miss his companionship, and I need him to come over and run errands for me. You will cease from interfering with his ability to do so. In addition; if I want to give him money to help him, that's my prerogative not yours, or the court or the police to question. I suggest you people get a life of your own and leave me an mine alone."

David Eugene Pletz, the 45 year-old son of David J. Pletz, (the author of the above letter), has been reduced to homelessness, squalor, unable to properly care for himself and has become very distraught.

He told the Las Vegas Tribune, "All I want to do is be back in our house with my Mom and Dad...my Dad was the only one I could talk to for advice...and I don't understand what is happening to us...why did they do this to us?"

When David finished speaking, he broke down in tears from the overwhelming suffering he has experienced, but his only request was that somebody help him save his Mother and Father from the Public Guardian's office. "Why won't people do something? They took my Dad and Mom, sold our home in Boulder City, and then gave me 10-minutes to leave, or they'd have me arrested for trespassing. Then they sold the house, stole all our stuff and who knows where the money is? I don't even have enough money now to get something to eat... If it wasn't for my friend Vic, I'd probably be dead."

At that moment, the atmosphere was charged in the offices of the Las Vegas Tribune and there was a collective determination to find out what has transpired since David J. Pletz wrote that letter to Kerrie Hutchings and the Public Guardian's Office. The Las Vegas Tribune has stated that it will not cease to gain that information and "let the chips fall where they may..."

Calls to the Public Administrator/Guardian's Office continued to go unanswered. And through an intermediary, the Attorney General's office was notified of this case and others -- similar in nature.

If you have any information about this case and others concerning Jared Shafer, and/or the Public Guardian's Office, you are asked to call the Las Vegas Tribune at (702) 366-9310.

APPENDIX AA

LAS VEGAS TRIBUNE ARTICLE DATED 9/20/2002

Volume 4
Issue 12

Sep 20, 2002

A-Front Page
AA-Front Page
B-Front Page

Business/Finance
Richard Strickland
Gia Catherine Motti
S. Pellegrino

Celebrity Scene
Pete Allman

City Hall Report
City Hall Report(s)

Commentary
Franklin D. Vipperman
Mark Clark
Frank Albano
Liz Gini
Contributing Commentary

Community
Community-1

Courthouse Rumors
Claudia Sinclaire

Deal Makers
The Deal Makers

Editorials
Steve Miller
Dwayne D. Eukel

KVBC TV-3 to Air Investigative Report on Public Administrator's Office

"I was ordered to stamp savings bonds with the Public Administrator's seal, which were then cashed. In particular, and for the record, was the Margaret Goldstein family...The savings bonds were already made out to family members, but Jared had me stamp them with the PA's seal and then he cashed them," --- Beverly Teach, a Former County employee at the administrator's office.

By Dwayne D. Eukel

KVBC TV-3 Investigative Reporter, Darcy Spears told the Las Vegas Tribune

Flick Chick
Judy Thorburn

Frontpage
Headlines

Horoscope
Horoscopes

International News
International News-1
Tribune Media Group
International News-2

Las Vegas News
Jacobs Abrahams
Exclusive News!
News-2

Las Vegas Tribune Staff
LV T-Staff

Letters To The Editor
LV Tribune Readers

Local News Briefs
Local News Briefs
News

My Point Of View
Rolando Larraz

National News
National News

Our Opinion
Las Vegas Tribune

Perfectly Frank
Frank La Spina

Pictures
Pictures-A
Editorial Graphics

recently, that an investigative news segment concerning the serious allegations surrounding outgoing Public Administrator Jared Shafer would be aired sometime this November.

When asked if the piece was being held back till after the November General Elections, because of Shafer's association with Dan Alhstrom, who is, some say, "mysteriously" in the forefront of candidates for the Public Administrator's office.

Spears told the Tribune, that "the elections have nothing to do with this story. This story is meant to focus on accusations by people who have been involved with the Public Guardian / Administrator's office – those that are saying Jared Shafer's tenure has been under a cloud for sometime. And that allegedly he and others involved in his office have been 'taking over estates without cause.. among some of the reasons."

Spears asked the Tribune what their opinion was, of the most important issue that ought to be focused on in the segment. In few words the City Editor of the Las Vegas Tribune answered, "Accountability; someone with the authority to make Jared Shafer produce an accurate accounting of the Guardian's office' books. I heard someone call it recently, 'a forensic accounting.'"

Statutes surrounding the Public Administrators office "are somewhat ambiguous," according to one unnamed legal source.

"The administrator is an elected official. The County Commission is an authority

Political Corner
Alexandra Cohen

Social Notes
Sharon Love

Sports Line
Jackie Dell

Sports-3
GB Bongiovanni

over County employees. The duties of the Guardian -Administrator's office include that the office is only to become involved in an estate dispute, when there are no heirs competent to handle the estate.

When and if a case goes to probate court and it is determined that there are no family members, or there are members that are not capable of administering an estate, then a petition to the courts to hand over guardianship is made. And in every case I have read, the guardian's office always gets their way. But they are then duty bound to administer the estate for family survivors, including those that must have assisted care at particular facilities or with home care."

However, according to another source, "records are hard to come by from that office, and there are many stories from individuals who claim that attorneys, social workers, even medical personnel, sometimes work together to take over an estate – effectively shutting out any family members otherwise entitled to share in the estate."

The Tribune has observed documents from the County Recorder's Office, which show pages of property listings that indicate the administrator/guardian's office is Trustee of hundreds of pieces of property.

However, there are disputes as to whether their office has the legal right to be guardian of the estates. "Some are claiming that Shafer has made "victims" out of family members because they question the handling of an estate or other pertinent inquiry.

Vickie Cloutier is one of those "victims." Her mother, Connie Mormon, owner/operator of two Montessori Schools in Las Vegas, became ill, and though medical opinions relate that her condition was not severe, "Somehow," Vickie Cloutier said, her mother came under the auspices of Jared Shafer's office and "our lives have been turned upside down since."

According to Cloutier, "he 'stole' two very valuable classic Fire Engines that we used to display out in front of the school, for the kids. He has managed to pilfer just about everything from this estate."

The distraught daughter of Connie Mormon added, "We've been fighting him, but Judge Voy's court, among others, have made it possible for Shafer to continue charging the account exorbitant legal fees and expenses for things that have nothing to do with the administration of anything. I've been tossed from my own home and kept away from my mother – it's amazing what he has gotten away with But we're still battling...this is just like what happened to Thomas Gaule."

Cloutier was referring to articles published by the Las Vegas Tribune, which mentioned other "victims," who have given similar "horror" tales of involvement with Jared Shafer and his office.

An ongoing investigation into the record keeping of the administrator's office is being pursued. One witness to Jared Shafer's actions during his tenure told the Las Vegas Tribune, "I was ordered to stamp savings bonds with the Public

Administrator's seal, which were then cashed. In particular, and for the record, was the Margaret Goldstein family...The savings bonds were already made out to family members, but Jared had me stamp them with the PA's seal and then he cashed them," said Beverly Teach, a Former County employee at the administrator's office.

Gina C. Cinquegrani, also a former County employee at the administrator's office and a candidate for the Public Administrator's office this year, told the Las Vegas Tribune that Jared Shafer "systematically took over estates and has probably gotten away with more thievery to date than anyone I know."

Cinquegrani was unsuccessful in the past primary elections in her bid to win a challenging position to the Republican candidate for the office. The leading democrat candidate, Dan Ahlstrom garnered only 21,730 votes in a four way democratic split. Both Cinquegrani and Adrian Mendoza took more than 11,000 votes, according to the 'unofficial' results from the County Elections department.

Questions or Comments? email webmaster@lasvegastribune.com
Articles may not be reproduced without permission
All Site Content and Images Las Vegas Tribune © 2001-2002

APPENDIX BB

LAS VEGAS TRIBUNE ARTICLE: GUARDINASHIP NIGHTMARE ENDING FOR CALIFORNIA COUPLE

Former Public Administrator Jared Shafer Implicated in Plot

Volume 10, Issue 45 THE ONLY INDEPENDENT NEWSPAPER IN CLARK COUNTY lasvegastribune.com August 19, 2009

Las Vegas Tribune

"I may disapprove of what you say, but I will defend to the death your right to say it." — Voltaire

Guardianship Nightmare Ending for California Couple

Former Public Administrator Jared Shafer Implicated in Plot

Attorney to Courts, Social Chief Justice Court Judge Lee Parker called the California court of Commissioner Pena Curtis telling the judge and Mary Sellers, verbal a manufactured California document, rather than using DuDeck's attorney Heidi Pascal, as it was really necessary.

By Fred Cousens
Las Vegas Tribune

Heidi Pascal of Marina Del Rey, Calif. wants nothing more for her mother Marcy DuDeck, a ward of Clark County Family Court, than to let her live out the rest of her life in the peace and sanctity of a place where she'll be safe and cared for.

But the past three years have been a living nightmare, a legal Hell if you will, for the daughter and her husband Charles Pascal who have tried to achieve that goal for the 91-year-old widow suffering from mild dementia.

It's not enough, as Heidi found out disappointingly, that she tries to do as much as she can to become her mom's guardian so she can effectively and judiciously administer the estate's trust account because to do so, as she also discovered, you have to be a resident of Nevada regardless of how close you live to the ward.

That means a ward of the court can be living in Laughlin and the guardian can be located in Reno, Nev., 710 miles to the north and everything is legal, but if a loved one lived in Bullhead City, Ariz. – a stone's throw across the Colorado River – they could not be the ward's guardian.

"This was an issue when it first came up because the Nevada statute won't allow the court to appoint someone a guardian of a person unless they're a Nevada resident," said Vincent Icetra.

(See DuDeck, Page A-3)

DuDeck

(Continued from Page A-1)

Joe Pascal's attorney in Las Vegas. "So that was a problem with Heidi, actually, that she was a California resident. So they had a friend who lived here in town and they were petitioning the court to be co-guardians, to have a local guardian and Heidi be co-guardians for Marcy, but it didn't work out. (The court never accepted that because the statute requires that if you're co-guardians you've got to look at lawyers of sanguinity. You've got to look at blood first and if blood is exhausted then you start looking at friends and distant relatives."

The reason Heidi's co-guardianship plan got tossed out of court is because her brother

Lance DuDeck, lives in Las Vegas and, because of the blood line, he should have been the co-guardian. The two of them have differences, though, which would have made even a workable co-guardianship unworkable.

But that didn't matter. A report from two Senior Citizens Law Project attorneys appointed as temporary guardians uncovered a number of alleged "human flaws" in both Heidi and Lance that made either one singly, or both collectively, unfit to take part in their mother's guardianship.

As a result of the report, Family Court Commissioner Jon Norheim at a May 1, 2007 evidentiary hearing declared both adult children – Heidi is 60 and Lance is 56 – as "unsuitable to be guardian of their mother."

With neither Heidi nor Lance being able to take care of their mother's affairs, the court appointed former Clark County Public Administrator Jared Shafer as the sole guardian of Marcy DuDeck and her trust account.

But the DuDeck story started long before that.

Heidi's 59-year-old husband, Charles, who earned a masters degree in counseling from Loyola-Marymount University of Los Angeles and now performs rehabilitation counseling, has kept tabs of every moment, every action in his mother-in-law's case and paints an informative palette of what has transpired from that family's perspective.

Following the death of Marcy's husband on May 16, 2006, Lance lived with his mom until his live-in girlfriend called Heidi during the summer with disturbing news about Lance.

She told us, "Lance is making methamphetamine in the garage and he's drinking, he sleeps to noon and his mother isn't getting fed and wants us to come over there," Charles Pascal related. "Based on the violence we did the next best thing and called the cops. Las Vegas Metro went to the house and found the girlfriend had a black eye, she was beat up and so they promptly removed Marcy from (her) home (at 2709 Showcase Drive in Sun City Summerlin) and placed her in a facility called Chancellor Gardens.

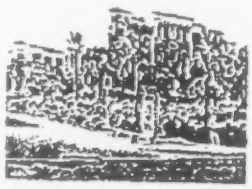
Marcy DuDeck, 87, at the Sunrise Senior Living Facility in the Los Angeles area, would soon reunite with her son-in-law, Charles Pascal, who is waging a major legal battle to get his mother-in-law returned to California.

Heidi made a couple of visits to the 150-bed adult group care facility for Alzheimer's and dementia patients at The Lakes off West Sahara Avenue before taking her mom to California in mid-November 2006.

"When we got to Chancellor (Gardens) we found the conditions were filthy and Marcy said, 'Heidi I want to come with you to California. Please get me out of here, even though she was placed there by (Clark County Department of) Social Services," Charles said. "Marcy actually begged Heidi to take her to California. That was in September 2006. We went back again in November and Marcy didn't look well at all again she begged us and we went in front of Commissioner Norheim. (He) told us that we could submit a plan but that he wasn't really going to listen to it. When our attorney asked why, (Norheim) said because we weren't residents of Nevada and therefore we really didn't have any say in the care of Marcy."

A subsequent visit to Norheim's courtroom evoked a similar response.

"This time we saw Marcy had gotten a lot worse; she really looked bad," Charles said. "At that point, Heidi and I took matters into our own hands and Heidi flew back on Nov. 18 and right in the middle of breakfast walked out of Chancellor with Marcy and brought her to Los Angeles. We then put her into Sunrise Senior Assisted Living (in Playa Vista, Calif.), but before we did it we had her checked out by the doctor and we found her weight had dropped in the care of Chancellor, from 138 to 114 pounds and she could hardly walk. She hadn't had a bath in a long time. She smelled awful. Her hair hadn't been washed for a long time. I'd say weeks or months, but let's just say a very long time.



The courts in Nevada were outraged at what Heidi had done and they had an evidentiary hearing in May 2007; they had

issued two court orders to bring Marcy back and we refused on two grounds," Charles continued. "They insisted she be put back in the same place she'd been taken out of, Chancellor Gardens, and they weren't going to do anything to police Lance who had been taking meth and had been yelling and screaming at his mother whenever he was there, so we said she's staying here. The guardians *ad litem* (who wrote the May 1, 2007 report) came out here and they said they had never seen a place as wonderful as Sunrise. They ruled at the evidentiary hearing that Marcy could stay in California permanently and that Jared Shafer would be appointed to be the guardian of the trust." But a year later, the Pascals noticed what they thought were irregularities in billings for services by Shafer the guardian.

"(When) we got the first accounting, we saw well over $80,000 had been taken out of the estate for doing absolutely nothing," Charles claimed. "Charges came out like billing us $60 to get a $20 credit, $1,500 visits that never took place, phone conversations that never happened with the family with us being named as the people in the phone conversation."

All of this while Heidi took care of her mom who was living in California at the time.

"Exactly, and he really wasn't doing anything because Heidi was taking her mother to the doctor, Heidi was handling all of the medicine, Heidi was doing everything, he was charging us $225 (an hour) and then he also set up other companies like certain business services.

He's got three separate companies that he set up. In California, it's against the law for a guardian to have other companies to bill. What he would do, he would put in his bill for $225 and then add AVID Business Services after that."

A check of both the Nevada Secretary of State's Office and the Clark County Business License database failed to show up a business titled AVID Business Services or Shafer's name attached to such a business. His name is attached to Professional Fiduciary Services of Nevada, Inc. as president and resident agent, a company with origination papers filed in Carson City in mid-September 2002, more than three months before he left public office – while he and his wife Claire are named as managing members of JCS1 LLC.

The Pascals objected to more than 210 individual billing charges, most of them under $100, made by Shafer to the court – things like $25 to pick up a court order when $187 had already been paid for the same service or a bank account management fee of $50 when $20.83 had already been paid for the same service – but Commissioner Norheim "having reviewed the petition and amended objection" nevertheless went along with Shafer's charges and denied the Pascals an evidentiary hearing to look further at the billing.

"The fees and costs incurred by the guardian and those professionals hired by the guardian are consistent with what this court anticipated when it appointed (Shafer) to serve as guardian," Norheim found, adding, "Although the parties are entitled to an evidentiary hearing, this court is concerned that an evidentiary hearing ... will be extremely costly to (Marcy), and therefore finds that ... a hearing is not in the best interests of (Marcy)."

From that court appearance in mid-November 2008, to the summer of 2009, Heidi tried through the California courts to get Shafer out as guardian and get her mom's trust account into the control of Morgan Stanley, the financial services firm where Marcy's husband, Michael, wanted the account before his death.

She succeeded in getting a California conservator (the same as a guardian in Nevada) named, but it didn't include her.

A tearful to American citizen 71-year-old Marcy Pascal (second row) – in Nevada or California – was held legal by a Family Court Commissioner Jon Norheim's interaction with the commissioner agreeing with a California court that Pascal would be returned to California but only if the can be accompanied with to a facility in the Los Angeles area.

"Well, we started the proceedings and (Chief District Court) Judge (Ari) Ritchie (of Clark County) called the California court and started saying that Heidi was no good and Heidi was bad," Charles related. "So when we went into court, the California courts listened to Judge Ritchie and put a temporary conservator here in California that took Heidi completely out of the loop even to the point Heidi could no longer take her mom to the

doctor, she couldn't take her to lunch, she couldn't take her to the hairdresser, she could do absolutely nothing, no church, no nothing. This guardian named Winnie Weshler was appointed and ... she told us point blank in a meeting in February ... that she was going to follow the directives of Jared Shafer."

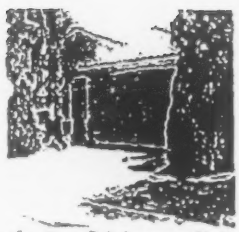
On August 6, Marcy was set to testify in court that she wanted Heidi to be her conservator and take care of her, but according to Charles, Shafer didn't want that to happen.

Mysteriously, two days earlier, Marcy disappeared from her California living facility under suspicious circumstances, only to end up in Las Vegas under the watchful eye of Shafer.

On August 6, ", according to Jason Malone, the director of Sunrise (at Plaza Vista), he told me that he had gotten a call from Patience Bostol, an employee of Jared Shafer who told him Lance was coming into town and would be taking his mother outside of Sunrise for extended periods of time. Charles said Jason said 'you can't do that because ... Weshler' had put an order out that no one was to take her out. Patience hung up with Jason and, according to Jason he wouldn't tell me the name (Patience) made a second call to a staff member stating that Weshler had ok'd for Lance to take her out, but that the staff member said no you can't do it. This was about, according to Jason, 10:30 on the morning of August 3. As best we can see it, Lance came in about 1 p.m. on that day and Sunrise had done a very strange thing. They told the receptionist named Stephanie to take the day off and they brought down the third floor supervisor at 12 o'clock on that day to run the reception desk. The third floor is where Marcy stayed. It's called the Reminiscence Floor that Sunrise uses for Alzheimer's. So she's on the desk, Lance comes in and all of a sudden out of a secure facility Marcy is whisked away and now she's in Vegas."

According to Pascal the senior living facility is supposed to maintain written orders for all activities of its residents, but in Marcy's case, there are no such orders allowing her to be taken on August 4.

"They claim in their handbook that they require written orders, but in this case there is no written order," Pascal said. "Now here comes the bomb. The logs for August 4, according to Stephanie, have completely disappeared. No one can find them. They have Monday of the week, Wednesday of the week, Thursday and Friday of the week, but for some reason or another Tuesday went up to the Twilight Zone. Tuesday is gone. Goodbye Ruby Tuesday. So we wondered about that because that's the day Lance took her. So now as of (August 10) there was an order issued in the court that Heidi or Lance cannot call, contact, visit or see the mother in Vegas. We know where she's at right now, at Jump for Joy Case No. 3 (located at 7881 Rainshower Dr.) in Las Vegas.



After Marcy DuBois was, in Charles Pascal's words, "abducted" back to Nevada she has been residing at the Jump for Joy No. 3 group home, a state licensed facility for no more than two residents, at 7881 Rainshower Dr. in Spring Valley.

Heidi is now banned so she can't find out how her mother is. Her mother's been in dementia, but the one thing the mother knows is that Heidi talked to her every day. Heidi always brought her a nut bar, watched TV with her, spent an hour to two hours with her every single day for the last three years and that has just been taken away."

Last week at a hearing before Commissioner Norheim he agreed Marcy should be in California. He set a September 9 hearing to see how things are progressing.

"A California judge wants Marcy back and the Nevada judge would like her back if she can travel safely, so we're looking into whether she can travel safely and in the alternative looking to put her in the best possible facility here in Nevada," Kosnik Heidi's attorney said after the hearing.

The commissioner does want her to see her kids, but under some restrictions because both children have made it a tug of war.

When the Pascals got word of the decision they were ecstatic.

"When we heard Marcy was coming back I let out a big whoop you could hear for miles and Heidi started to laugh, and

then she started to cry and then she jumped up and down. she was that delighted to know her mom was going to be returning and she was going to safe," Charles said the night of Northern's decision. "So, in that part of the battle we're happy, but one of the other things I'll tell you is this is one battle in a long war because basically Shafer is still taking money from the estate for doing absolutely nothing and we're going to have to try to fight that in the California pro proceedings."

Attorney Cathy Mazzeo, who has represented Shafer in recent court proceedings, wasn't able to shed any light on her client's actions.

"Unfortunately, my client and I cannot comment on claims or allegations that have not been presented in the form of actual litigation," Mazzeo wrote in an August 14 e-mail. "Due to HIPAA regulations we are also unable to comment on matters relating to Ms. DuDeck's health, which was the focal point of Wednesday's hearing. However, in an effort to share with you the history in this case, I am attaching a couple of the Court's previous orders."

The Pascals have yet another court date September 8 before California District Court Commissioner Reva Goetz, the same judge who ruled in the Britney Spears custody case last year, to get Shafer off and Heidi on as Marcy's guardian as well as get the trust account transferred to Morgan Stanley.

"So that's the battle we're fighting right now and then, of course, as far as Shafer is concerned, we're looking at our options in terms of what horrible things he's done to the estate and we're looking to investigate Sunrise's culpability," Charles added. "Weshler may decide to put (Marcy) back in Sunrise (Senior Living at Playa Vista) and if she does we are definitely violently opposed to it; we'll vehemently protest it because their security was breached. We don't know if it will be breached again so that's our other concern. All in all, when we take a look at it from the hilltop, the fact that Marcy is going to be safe and out of the hands of where she is, is very, very delightful to us."

APPENDIX CC

GUARDIANSHIP EVALUATION: GERALD MC CAFFREY – 2/26/2006

Gregory Peninger Brown, M.D., Professional Corporation
Diplomate of the American Board of Psychiatry and Neurology in Adult and Forensic Psychiatry
University of Nevada, School of Medicine, Department of Psychiatry, Assistant Clinical Professor

February 26, 2006

Jon Norheim
Guardianship Commissioner
8th Judicial District Court
Family Division
601 N. Pecos Rd.
Las Vegas, NV 89101

RE:	GUARDIANSHIP EVALUATION
EVALUEE:	GERALD McCAFFREY
CASE #:	G26594
SOCIAL SECURITY #:	614-34-0675
DATE OF BIRTH:	10/17/44
DATE OF EVALUATION:	02/23/06
DATE OF DICTATION:	02/25/06

PURPOSE OF THE EVALUATION: Dr. Margolis and Dr. Brown were contacted by Patience Bristol, from the office of Jared Shafer, and asked to perform an evaluation of Gerald McCaffrey, to determine whether or not Mr. McCaffrey remains eligible for ongoing guardianship.

NOTICE OF NONCONFIDENTIALITY: Mr. McCaffrey was informed that no doctor-patient relationship was established during the evaluation and that as such, the usual rules of confidentiality did not apply. He was further informed that a report would be generated for the guardianship court. He agreed to proceed with the interview.

NATURE OF THE EVALUATION:

1. Psychiatric interview and mental status examination of approximately 1½ hours' duration. Present were Jill Margolis, Ph.D., and Gregory Brown, M.D.
2. Administration of the Minnesota Multi-Phasic Personality Inventory II by Jill Margolis, Ph.D., conducted on February 23, 2006.
3. Review of a medication list, dated February 1, 2006.
4. Review of information from Atria Assisted Living, dated September 26, 2005, which also includes transfer documents from Horizon Specialty Hospital.
5. Review of a competence evaluation completed by Louise Short, M.D., J.D.
6. Review of medical records from Richard Kuchrewicz, M.D.
7. Review of medical records from Dunn Neurological Associates.

PAST HISTORY AND SOCIAL HISTORY: Mr. McCaffrey stated that he was born October 17, 1944, in Massachusetts. He noted that both of his parents have died. His mother taught school part-time, and his father sold shoes. He noted that he has three siblings, a brother who attended Harvard and teaches English, another brother who is a retired certified public accountant, and a sister. He denied any particular problems or abuse as a child. He noted that he completed high school and attended the Massachusetts Institute of Technology, where he reported receiving a Bachelor of Science in mathematics. He noted that during the time that he attended school at M.I.T. he was working at the

RE: GUARDIANSHIP EVALUATION
McCaffrey, Gerald
February 26, 2005

Lincoln Laboratory, which provided him money for tuition. He stated that while working at the Lincoln Laboratory, he was on the team that developed the cruise missile. He did acknowledge being in the Army Reserves in the mid-1960's but stated he did not see any combat.

Mr. McCaffrey moved to Nevada in approximately 1984 to work at the Nevada Test Site. He noted that he has had top secret clearance, both while working at the Lincoln Laboratory for MIT and at the test site. He noted that he was a specialist in signal processing from various types of equipment, either radar or sonar, and that he would help convert the electronic signatures into meaningful information. He also described that during the Vietnam War, he was on a team of scientists who helped to eliminate a particular radar frequency on bomber aircraft being used in the Far East. He noted that his current illness caused him to lose his job at the test site but noted that he has quite good pensions, both from his time at the Lincoln Laboratory and his time at the test site.

Mr. McCaffrey noted that he had been married on two occasions. The first marriage occurred after a quite brief courtship and then resulted in rapid divorce. His second marriage was annulled when he discovered that his wife remained married to her previous husband. He also described having generally poor and tumultuous relationships with women on a lifelong basis and noted that "I often gave to my own detriment," and that this behavior occurred throughout his adult life. He noted that he has no biological children.

PAST PSYCHIATRIC HISTORY: None known.

FAMILY PSYCHIATRIC HISTORY: None known.

PAST MEDICAL HISTORY: Includes cardiac bypass surgery, pacemaker placement, diabetes mellitus, congestive heart failure, and coronary artery disease, in addition to sleep apnea. He also reported that as an infant, there was some surgical procedure performed to reroute a portion of his gastrointestinal tract, as it had been malformed, but he denied having any gastrointestinal difficulties as an adult. His knowledge of current medications includes that he takes prescriptions for both diabetes mellitus and for blood pressure control. Mr. McCaffrey reported that he is currently blind in his right eye, which is due to complications from diabetes and potentially high blood pressure.

SUBSTANCE USE HISTORY: He denied the use of illicit substances. He acknowledged the use of alcohol for much of his adult life and stated that at present, he will drink one to two beers on a weekly basis, usually when he goes to TGI Friday's to play trivia.

HISTORY OF THE PRESENT ILLNESS: Mr. McCaffrey noted that he required heart surgery and that he was on numerous medications after that time. This resulted in an altered mental status examination and several different automobile accidents, one of which eventually led to home nursing evaluating his condition and then resulting in that he would likely need a guardianship. He stated that he currently wishes to have the guardianship lifted because he feels that it is affecting his basic "liberty issues." He reported that the Guardian's Office had sold his home so that he would not have a home to which to return, so that he would be willing to live at the Seville Terrace, where he currently resides in order to receive appropriate monitoring for his medications. He is, however, quite frustrated that he has not yet had an opportunity to use account balances for any of his retirements funds and is also upset that he is only allowed $400.00 per week spending money when he has reported income in excess of $4,900.00 per month. He noted that he enjoys going to TGI Friday's restaurant, but that this is a substantial cab fare in order to arrive there, and he rapidly goes through the $400.00 with only several trips to TGI Friday's. He does acknowledge his current medical illnesses, however, seems to have little understanding on how to actually manage his diabetes, and he reported that he has not had daily blood

RE: GUARDIANSHIP EVALUATION
McCaffrey, Gerald
February 26, 2006

eight checks since arriving at his current living arrangement. He also acknowledged that he spent money on various girlfriends in the past, "probably in excess," but he stated that the money was his to spend, and that was the manner in which he chose to spend it. He described one period of time in which he was dating a female with two children. He described this as being "the family I never had" and "some of the happiest times of my life."

RECORD REVIEW:

Medication list as provided from Seville Terrace: aspirin 325mg, 1 tablet per day; Atenolol 100mg, 1 tablet per day; Glyburide / Metformin, 1 tablet every morning; Lexapro 10mg, 1 tablet every day; Lisinopril 40mg, 1 tablet every day; Norvasc 10mg, 1 tablet every day; Ridil tablet 3 times per day; Lipitor 20mg tablet, 1 at bedtime, in addition to several PRN medications, which it does not appear have actually been prescribed.

Notes from Aprio Assisted Living: Describes a medical history of status post debridement of lower leg wound, diabetes, hypertension, coronary artery disease, depression, pacemaker placement, and injury. Attached records from the Horizon Specialty Hospital indicated that he had undergone debridement of a wound on his foot, which had resulted in significant infection.

Notes of Dr. Richard Kushewicz: These documents essentially confirm the various diagnoses previously documented in this record. There is an MRI scan of the brain, dated March 1, 2004, which shows generalized atrophy, "prominent for age," extensive white matter signal abnormalities compatible with small vessel ischemic changes, and subacute right posterior superior parietal cortical ischemic change. Fasting blood glucose documented on 6/22/04 was 86. A Return to Work evaluation completed by Dr. Kushewicz on May 2, 2002 suggested coronary artery disease; status post three vessel bypass, this surgery was apparently performed in April 2002; congestive heart failure, stable; acute renal failure, resolved; chronic renal insufficiency; diabetes; and hyperlipidemia. He was returned to full duty May 3, 2002, for work as an engineer, but he was restricted from any heavy lifting.

Records from Dunn Neurological Associates: Documentation on March 2, 2005, confirms that he was to be weaned from the continuous positive airway pressure machine at night (CPAP) which is consistent with the description Mr. McCaffrey provided during the interview. In a progress note dated June 1, 2004, Dr. Dunn appears to have diagnosed sleep apnea, dementia, status post stroke, but documented a Mini-Mental State Examination with a score of 28 out of 30. There is an April 29, 2004, Mini-Mental State Examination documented in this record, which scores 29 out of 30. There is also a Mini-Mental State Examination dated March 23, 2004, which only scored 21 out of 30. EEG findings performed at the neurological office were all within normal limits. An MRI scan dated March 30, 2004, showed hypertrophy bilaterally of carotid vessels; slight displacement of the medulla and brain stem due to "tortuous vertebral and basil arteries," white matter hyper intensities distributed more or less throughout the brain, suggesting microvascular infarctions; moderate levels of cerebral cortical atrophy, and changes which could be a possible tumor in the right cerebellopontine fissure.

Report of Lenore Sherk, M.D., J.D.: Dr. Sherk performed a psychiatric evaluation on Mr. McCaffrey June 23, 2005, at the Seville Terrace Assisted Living Facility. She included a similar history regarding his past work and his current/recent relationship history, in addition to his general current activities, as was presented earlier in this report, and that information is roughly consistent. Dr. Sherk described a score of 21 out of 30 points on a Mini-Mental State Examination. As it is not attached, it is unclear if she is referring to the Mini-Mental State Examination which was attached with Dr. Dunn's records from March of 2004, or whether she was independently performed. She noted some confusion and memory deficits with neurological findings that were identified after surgery for wrist crimping and open heart surgery for coronary artery disease in 2001 and 2002, and she provided an impression of dementia, "probably mixed

RE: GUARDIANSHIP EVALUATION
McCaffrey, Gerald
February 26, 2008

from micro cerebrovascular disease related to small vascular brain infarcts, as a result of combination of disease processes that involve sleep apnea, hypertension, diabetes with morbid obesity, coronary artery disease, history of congestive heart failure, and irregular heartbeat." She then suggested that Mr. McCaffrey had significant cognitive deficits, which would "have an increasingly negative impact on self-care." She believed he would be at risk for undue influence with anyone he was emotionally connected with, and she described him as "impulse ridden and very frustrated with any necessary restrictions or limits placed upon him." His diagnostic impression was Axis I: vascular dementia with anxious, depressed mood and Axis II: preexisting personality disorder not otherwise specified with a Global Assessment of Functioning of approximately 50.

MINNESOTA MULTI-PHASIC PERSONALITY INVENTORY II: Mr. McCaffrey had significant difficulties with the visual/spatial task of writing the answers on the answer sheet for this test. Thus, Dr. Margolis had to provide some assistance for him throughout in helping him mark answers in the place that he wished to mark them. This may be due to blindness in his right eye. The MMPI-II is generally considered to have reasonable statistical validity and reliability. This specific clinical profile was considered to be valid. All symptomatic patterns were within normal limits, although noted was, "He may be experiencing some difficulty with his health, or he may be a bit concerned about health matters. These may be normal concerns for people his age." With regards to interpersonal relationships, he was described as having "an average interest in being with others and is not socially isolated or withdrawn. He meets and talks with other people with relative ease and is not overly anxious at social gatherings." It was also noted that he might have rather cynical views about life. With regards to diagnostic considerations, the test protocol indicated, "This client's MMPI-II clinical profile is within normal limits, and no diagnostic considerations are provided."

MINI-MENTAL STATE EXAMINATION: The Mini-Mental State Exam is a screening test to evaluate for the presence of dementia. Mr. McCaffrey scored 29 out of 30 on this examination, which would be considered a normal score.

MENTAL STATUS EXAMINATION: Mr. McCaffrey was casually dressed. His pants were showing some dirt. He was mildly disheveled. He had good eye contact and was cooperative and pleasant throughout the interview. Although he was initially somewhat withdrawn, he opened up significantly over the four hour time period that he spent at the office. His speech was normal rate, volume and tone. His thought processes were goal-oriented and showed no looseness of associations and no flight of ideas. His thought content was negative for suicidal or homicidal ideation, negative for hallucinations, negative for delusions. His mood was pleasant. His affect was appropriate throughout the interview and demonstrated full range. The cognitive portion of the examination was covered by means of the Mini-Mental State Examination.

DIAGNOSTIC IMPRESSION:

AXIS I:	No diagnosis
AXIS II:	History of personality disorder not otherwise specified
AXIS III	Coronary artery disease
	Status post multiple micro infarcts
	Status post Pacemaker placement
	Status post CABG (Coronary Artery Bypass Graft) placement
	Right eye blindness, secondary to diabetes
	Diabetes mellitus
	Congestive heart failure
	Chronic renal insufficiency
	Sleep apnea

RE: GUARDIANSHIP EVALUATION
McCaffrey, Gerald
February 24, 2006

AXIS IV: Current stressors include financial frustration and multiple medical concerns.
AXIS V: Global assessment of functioning is approximately 70-75.

OPINION AND REASONING: At the present time, there is no adequate data present to suggest an Axis I psychiatric diagnosis. There are suggestions in the record that he had been diagnosed with either depression or anxiety or both at points in the past, and he is prescribed Lexapro on a daily basis, a serotonergic antidepressant medication. It is not known if this medication is fully resolving signs and symptoms of depression, or if depression was ever actually present. Mr. McCaffrey noted that out of frustration, he once day told his guardians that he was fed up with life and wanted to die. He indicated that he had no intent to harm himself and no wish to hurt himself. His was mostly frustrated with his lack of independence and lack of control of his monetary funds. Nonetheless, whether depression was previously present or not, the low dose of Lexapro appears to have fully resolved any form of mood symptoms. A lack of Axis I diagnosis is fully confirmed by a Minnesota Multi-Phasic Personality Inventory II examination, which is entirely normal. Although Mr. McCaffrey clearly has a high IQ, based both upon his history and his verbal interactions, it is doubtful that he would be able to seriously alter the MMPI findings. There were also no elevations on scales on the MMPI designed to assess for the presence of exhibiting symptomatology.

With regards to cognitive function, Mr. McCaffrey has probably lost significant functioning from his earlier adult baseline level, on the basis of MRI findings from brain scans suggesting multiple micro infarcts. However, at the present time, he is able to articulate his needs and desires clearly. He is able to rationally and coherently describe his current situation and his concerns about it. He is able to provide reasonably accurate information about his overall financial situation and has, although limited, a general global understanding of various medical matters. His score on the dementia screening exam, the Mini-Mental State, was 29 out of 30, which is considered a normal score, suggesting absence of cardinal signs or symptoms of dementia. I would note that Dr. Dunn performed a Mini-Mental State Examination in March of 2004, which scored 27 out of 32. A follow-up examination in April 2004, scored 29 out of 30. This score has, thus, been reasonably consistent over a two-year period of time, which is a positive prognostic sign, at least in the short-term. It is not possible to conclude that Mr. McCaffrey is suffering from a deteriorating condition, based upon this normal score.

Multiple evaluators have raised concerns over whether Mr. McCaffrey is at elevated risk for financial exploitation from women that he may meet. It appears, based upon Mr. McCaffrey's history, both as presented during this examination and as documented in Dr. Strutt's evaluation, Mr. McCaffrey has had a lifetime history of transitory and odd relationships with women that tended to not last for adequate periods of time. He has likely spent money impulsively on women throughout his life and, thus, this particular aspect of concern is more likely to be a characterological issue of longstanding, rather than a sign or symptom of acute illness or disease process on his part, and provided that he is competent, it would be of course his choice of whether he wished to spend his estate on females to whom he feels attracted.

Mr. McCaffrey has some understanding of his overall medical conditions. He is unable to name the medications he is prescribed. He is unable to describe the frequency with which he is to take the medications. He also has not learned to do Accucheck or check his blood glucose levels, as would be necessary in the context of diabetes, and he continues to drink at least several ounces of beer on an occasional basis. His consumption of approximately two beers once or twice a week is likely not too unreasonable, as he is living in assisted living much of the time and takes most of his meals there. Although continued alcohol use is certainly not recommended in the context of his diabetic condition, with his consideration of illnesses in conjunction with end organ damage which has already occurred from diabetes, it is unlikely that ceasing alcohol use completely will substantially alter the course of his illness.

RE: GUARDIANSHIP EVALUATION
McCaffrey, Gerald
February 24, 2006

It is the recommendations of both evaluators that Mr. McCaffrey remain in an assisted living environment where his medications can be administered to him, and hopefully where home health can at least occasionally check blood sugar levels to assess his diabetic condition.

Based upon the above information, Mr. McCaffrey is currently presenting with an essentially normal mental status examination, a normal MMPI-II profile, and a normal Mini-Mental State Examination. With the data set, it is impossible to recommend guardianship for Mr. McCaffrey. It is the recommendation of both evaluators that Mr. McCaffrey does not fulfill the criteria for guardianship of either his person or his estate. Although both examiners have some concern about his understanding and appreciation of his medical conditions, at the current time, there is not evidence suggesting that his cognitive capacity would preclude him from actively participating in his medical decision making and, thus, if he neglects medical conditions, this would fall to his personal responsibility.

Finally, if the court should find that Mr. McCaffrey does continue to need ongoing guardianship, it is the recommendation of both evaluators that Mr. McCaffrey be given significantly more latitude over his spending options and his lifestyle. Although the guardian is acting in a wholly responsible manner by means of attempting to protect assets, such that Mr. McCaffrey will continue to have monetary monies for 20+ years, based upon Mr. McCaffrey's current medical conditions, it is highly unlikely that he would survive that long, even with the best of medical care, and second, given that Mr. McCaffrey has no children and no dependents, there is no necessity to consider preservation of the estate for the purpose of providing money to heirs. Thus, both evaluators would agree that Mr. McCaffrey should have the capacity or discretion to use substantially larger sums of his money at the present time in any manner he chooses.

Thank you for the opportunity of evaluating this individual. Please feel free to contact us should you have further questions.

Gregory P. Brown, M.D.; Prof. Corp.
Board Certified in General and Forensic Psychiatry
Residency Training Director
Assistant Professor, University of Nevada School of Medicine, Department of Psychiatry
3663 E. Sunset Road, Suite 504, Las Vegas, NV 89120
Telephone: 702-233-1256

Jill Margolis, Ph.D.
Licensed Clinical Psychologist
Vice Chairman, University of Nevada School of Medicine, Department of Psychiatry
3663 E. Sunset Road, Suite 504, Las Vegas, NV 89120
Telephone: 702-233-4891

GPB

Dear Commissioner Jennifer Henry I am Gerald McCaffrey and I appeared before you in court with Mr O'Rielly and my court appointed guardian *I WAS NOT AT THIS TIME ASKING TO END THE GUARDIANSHIP BUT DO QUESTIONS THE BILL BEING SUBMITTED FOR your approval* I Gave Mr O'Rielly a check for $8000 to start with. Now he is asking for $6620 + cost (what does that mean? + $5178 for my guardian who is his client. He asked my brother to sit in on our meeting of Sept 3. My brother was on speaker phone in the lawyer's office during the meeting I am being charged $315 My brother says he would not have done that if he was told that there would be a charge. As a result of the meeting a a very poor financial report that MrO'Riely presented and sent to my family He is charging me $550 for this poor report. There were a number of areas not covered such as pensions due me and my disability claim. Since the report cause an out cry from my family they decided not to share any more financial information with my family When my sister Barbara called they informed her that she would not get any information from them and charged me $70 for the call I am also being charged $50 per call when my guardian called my friend Ted Lach. I have no idea what they talked about. AS a result of all the missing informstion in the report zmr zO'Riely gave to me and my family I started AcallING MIT

MIT AND EG&G TO FIND INFORMaTION ON MY PENSION I CALLED ANd gaveNAMES AND PHONE NUMBERS TO MY Guardian. I am being charged $37 50 for every time I *have Called to give them information. I do not think that this is fair MY guardian has called and said she would drive me to court to appear before you I am being charged $250 fo that I THINK THE CHARGES WERE NOT EXPLAINED AND ARE UNFAIR*

Please inform me of your decision

My phone is 3678372

Yahoo! My Yahoo! Mail

YAHOO! NOTEPAD Welcome, jerrymac02 (Sign Out, My Account)

Search the Web | Search

Notepad Home - Help

Mail | Addresses | Calendar | Notepad

Welcome Gerald (Sign Out)

Update | Delete | Cancel

G26594

Edit Note

Folder: Unfiled

Note: Concerns and questions
DearJennifer henry
Thank you for sending me a copy of your report and decisions from the pe
for money for Mr OReilly I still do not think I should have to pay him
for doing that document. I think you gave them too much
1 Family envolvement options
I STILL want them to know everything
co guardian?? OR MY BROTHER bOB AS MY GUARDIAN (CAN I MOVE BACK HOME??
When they became my guardians they took 59- thousand dollars from my
Community one FCC bank to open a Red rock FCU account
I would like o be able to monitor that accoun Not be able to take or mo
money out to see what checks fgo into and out of the account I would l
be able to see the balance. I am now getting an extra $655 per month alo
with the $4C0i3 per month. I would like to know what is going on with my
and my car? I would like more information

max. 5000 characters

Last Modified: 3/25/04 5:41 am

Update | Delete | Cancel

Copyright © 2004 Yahoo! Inc. All Rights Reserved Terms of Service - Copyright Policy - Ad Feedback
NOTICE: We collect personal information on this site.
To learn more about how we use your information, see our Privacy Policy

Gerald Mc Caffrey

PFSN, INC.

PROFESSIONAL FIDUCIARY SERVICES OF NEVADA, INC.

JARED E. SHAFER
PO Box 50790
Henderson, NV 89016
Phone 702.456.5152
FAX 702.459.5152
jaredeshafer@earthlink.net

3/9/2006

Lee Drizin, Esq.
5440 W. Sahara Avenue
Third Floor
Las Vegas, NV 89146-0355

RE: GUARDIANSHIP of GERALD L. McCAFFREY

Dear Mr. Drizin

As you are aware, the court previously issued a standing order for a psychiatric evaluation to be completed at the request of the above-referenced ward. Please review the attached copy of the Psychiatric Evaluation by Dr. Jill Margolis and Dr. Gregory Brown, completed on February 26, 2006.

This report states that Mr. McCaffrey is "currently presenting with an essentially normal mental status examination, a normal MMPI-II profile, and a normal Mini-Mental State Examination." The report concludes that with the findings of the aforementioned tests, "it is impossible to recommend guardianship for Mr. McCaffrey."

In spite of the above, it is important to consider the ongoing medical concerns for Mr. McCaffrey. Due to Mr. McCaffrey's failure to inform the staff at Atria Assisted Living, any of his physician(s), or his Legal Guardian of the swelling in his feet (later discovered to be a severe infection symptomatic of unmanaged Diabetes, Mr. McCaffrey was hospitalized at Spring Valley Hospital and subsequently transferred to in-patient rehabilitation in August 2005.

Since his return to the assisted living, this office has had several inappropriate behavior outbursts. His displays of anger included both verbal assaults to staff and other residents and physical aggressions on facility property (i.e. banging on the wall of the facility van, banging on walls and office windows when walking in the hallways). These behaviors resulted in the facility issuing an eviction notice to Mr. McCaffrey wherein he was to move out by March 1, 2006. When informed of the consequences of his actions, Mr. McCaffrey stated he did not want to move from Atria and made apologies to the facility administrators. This office has worked with the staff at Atria Assisted Living to allow Mr. McCaffrey to remain in his apartment at Atria and the eviction notice has been rescinded. However, based on his history of behaviors, Mr. McCaffrey is subject to immediate eviction from the facility if he demonstrates such verbal or physical aggressions in the future.

PFSN, INC.

PROFESSIONAL FIDUCIARY SERVICES OF NEVADA, INC.

JARED E. SHAFER
PO Box 50790
Henderson, NV 89016
Phone 702 456 5152
FAX 702 459 5152
jaredeshafer@earthlink.net

3/30/2006

Additionally, this office continues to have concerns regarding Mr. McCaffrey's inability to make appropriate medical decisions. This office has been advised that the ward has fallen four (4) times in the past two months.

February 7, 2006: The ward fell in the Atria Seville parking lot getting out of a cab.

March 3, 2006: Fell when he was getting out of the shower and hit his head. He suffered a cut above his eye. The facility called the paramedics. Mr. McCaffrey reportedly refused to allow them to examine him and they left.

March 24, 2006: Mr. McCaffrey fell at the facility. The paramedics were again called to examine him for any injuries. His blood pressure was extremely low, however he refused medical treatment or to go to the hospital. The paramedics reportedly had Mr. McCaffrey sign a statement of refusal for treatment before leaving the facility.

March 30, 2006: Mr. McCaffrey fell during a routine fire drill in the hallway of Atria Seville and hit his head. There were no visible signs of injury and he did not complain of pain, however the staff called the paramedics. The paramedics stated he was fine and the cause of his fall is unknown.

Although Mr. McCaffrey was found to be within normal range during the psychiatric examination completed by Dr. Margolis and Dr. Brown, it is the opinion of this office that his ability to manage his medical and financial affairs on a day to day basis has not been resolved, and therefore he remains at risk of harm and/or exploitation.

Thank you for your prompt attention to this matter. Should you have any questions or concerns, please feel free to contact me at the telephone number listed above or on my personal cell phone (702) 622-7898.

Sincerely,

Patience Bristol, Registered Guardian

On Behalf of JARED E. SHAFER,
Legal Guardian for Gerald L. McCaffrey

JES:PB:pb
1 Enclosure(s)

APPENDIX DD

PETITION OF MARGARET CUNNINGHAM TO SET ASIDE APPOINTMENT OF JARED SHAFER AS GUARDIAN/TRUSTEE

TO: CLERK - CLARK COUNTY - NEVADA
YOU WILL PLEASE FILE THE FOLLOWING IN FILE CASE No. 47877

ORIGINAL FILED

NOV 6 9 33 AM '62

CLERK

IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY - LAS VEGAS - NEVADA
200 SOUTH THIRD STREET
LAS VEGAS, NEVADA

IN THE MATTER OF THE TRUSTEESHIP OF THE PROPERTY OF MARGARET LYNNETTE CUNNINGHAM
BY
JARED SHAFER

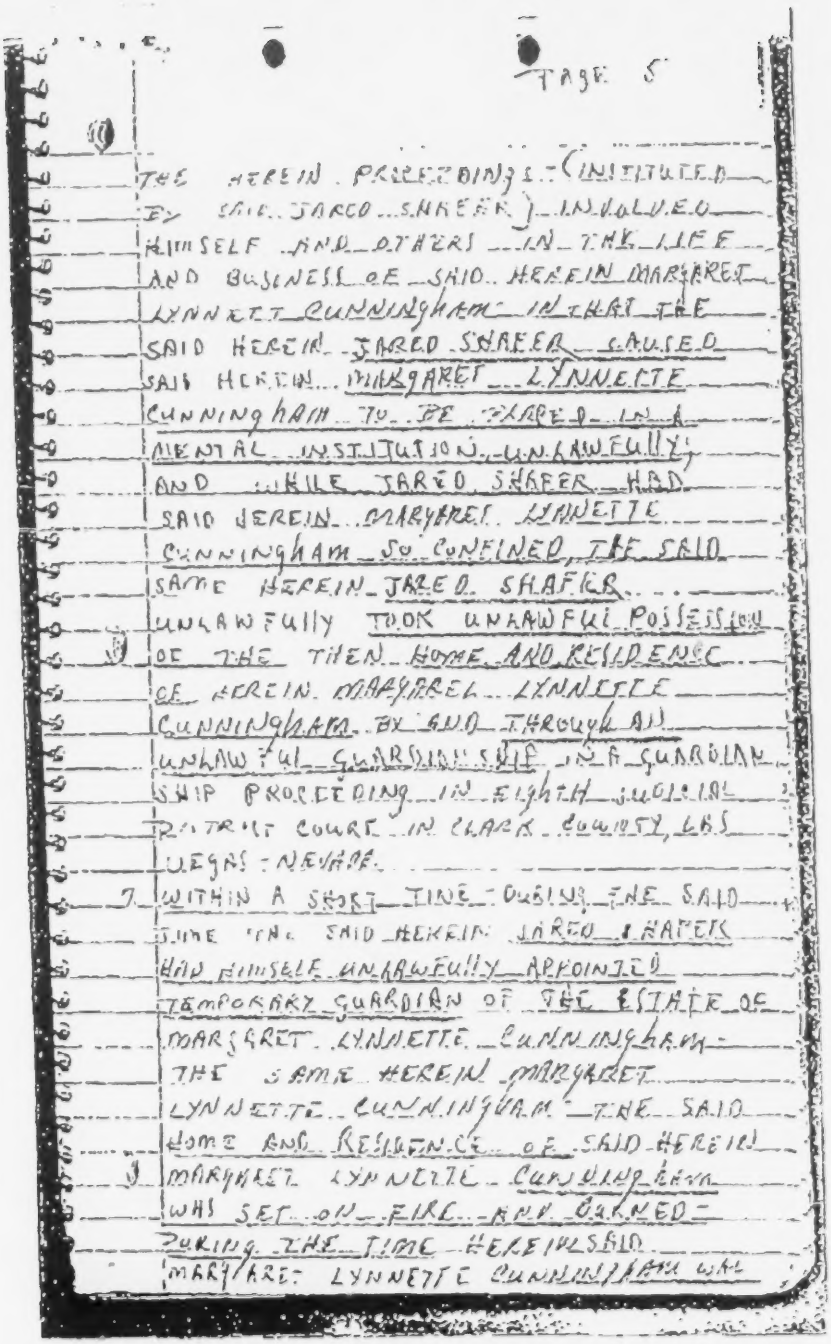
CASE NO. 47877
DEPT. No. VII (7)

TO: CLARK COUNTY EIGHTH JUDICIAL DISTRICT COURT AND TO: JUDGE DEPARTMENT SEVEN (7) (JUDICIAL DISTRICT COURT - CLARK COUNTY)

AND TO: JARED SHAFER - AND TO WHOM IT MAY CONCERN:

NOTICE: AND PETITION TO SET ASIDE ORDER OF COURT APPOINTING JARED SHAFER TRUSTEE OF ESTATE OF MARGARET LYNNETTE CUNNINGHAM; AND TO TERMINATE GUARDIANSHIP AND TO RELEASE MONEY TO MARGARET LYNNETTE CUNNINGHAM.

RECEIVED
NOV 7 1962
COUNTY CLERK



PAGE 5

THE HEREIN PROCEEDINGS (INSTITUTED
BY SAID JARED SHAFER) INVOLVED
HIMSELF AND OTHERS IN THE LIFE
AND BUSINESS OF SAID HEREIN MARGARET
LYNNETT CUNNINGHAM IN THAT THE
SAID HEREIN JARED SHAFER CAUSED
SAID HEREIN MARGARET LYNNETTE
CUNNINGHAM TO BE CARED IN A
MENTAL INSTITUTION UNLAWFULLY,
AND WHILE JARED SHAFER HAD
SAID HEREIN MARGARET LYNNETTE
CUNNINGHAM SO CONFINED, THE SAID
SAME HEREIN JARED SHAFER
UNLAWFULLY TOOK UNLAWFUL POSSESSION
OF THE THEN HOME AND RESIDENCE
OF HEREIN MARGARET LYNNETTE
CUNNINGHAM BY AND THROUGH AN
UNLAWFUL GUARDIANSHIP IN A GUARDIAN
SHIP PROCEEDING IN EIGHTH JUDICIAL
DISTRICT COURT IN CLARK COUNTY, NEVADA
WHICH WAS NEVER
WITHIN A SHORT TIME DURING THE SAID
SAME TIME SAID HEREIN JARED SHAFER
HAD HIMSELF UNLAWFULLY APPOINTED
TEMPORARY GUARDIAN OF THE ESTATE OF
MARGARET LYNNETTE CUNNINGHAM
THE SAME HEREIN MARGARET
LYNNETTE CUNNINGHAM THE SAID
HOME AND RESIDENCE OF SAID HEREIN
MARGARET LYNNETTE CUNNINGHAM
WAS SET ON FIRE AND BURNED
DURING THE TIME HEREINSAID
MARGARET LYNNETTE CUNNINGHAM WAS

PHYSICALLY CONFINED IN LOCKED WARD IN
THE SAID MENTAL INSTITUTION.
THUS, HEREIN MARGARET LYNNETTE
CUNNINGHAM'S FAMILY HAD TO PAY
TRAVEL AIR FARE (VERY
EXPENSIVE) FROM LAS VEGAS, NEVADA
TO PENNSILVANIA. FURTHER, SAID
FAMILY OF THE SAID HEREIN MARGARET
LYNNETTE CUNNINGHAM HAD TO
PAY FOR THE SUPPORT AND MAINTEN-
ANCE OF SAID HEREIN MARGARET
LYNNETTE CUNNINGHAM BECAUSE
AND FOR THE REASON THAT SHE SAID
HEREIN JARED SHAFER HAD TAKEN
UNLAWFUL POSSESSION OF THE
REAL PROPERTY, CASH, MONEY,
PERSONAL PROPERTY, OF THE
ASSETS AND REAL AND PERSONAL
PROPERTY OF THE SAID HEREIN
MARGARET LYNETTE CUNNINGHAM
LEAVING THE SAID HEREIN MARGARET
LYNNETTE CUNNINGHAM, HOMELESS,
DESTITUTE AND POVERTY STRICKEN
AND WITH A LABEL OF MENTALLY
INCOMPETENT CAUSING HEREIN
MARGARET LYNNETTE CUNNINGHAM
TO BE UNABLE TO SEEK OR GAIN
EMPLOYMENT.

8. IT IS FOR THE REASONS STATED HEREIN
AND FOR OTHER REASONS THAT
HEREIN MARGARET LYNNETTE
CUNNINGHAM REQUESTS AND PRAYS FOR

Page 9

THAT SINCE THE HEREIN JARED SHAFER, AS GUARDIAN OF THE ESTATE OF HEREIN MARGARET LYNNETTE CUNNINGHAM, (NEVER) AT ANY TIME DURING ALL THOSE MANY YEARS OF GUARDIANSHIP PROVIDED HEREIN MARGARET LYNNETTE CUNNINGHAM WITH ANY MONEY OR SUPPORT OR MAINTENANCE

BUT INSTEAD THE SAME SAID HEREIN JARED SHAFER, AS GUARDIAN OF THE ESTATE OF HEREIN MARGARET LYNNETTE CUNNINGHAM, TOOK UNLAWFUL POSSESSION OF REAL PROPERTY CONSISTING OF A HOUSE AND LOT LOCATED AT 850 CANOSA AVENUE, LAS VEGAS, CLARK COUNTY, NEVADA, THE THEN HOME AND RESIDENCE OF THE SAID HEREIN MARGARET LYNNETTE CUNNINGHAM WHERE THE SAID HEREIN MARGARET LYNNETTE CUNNINGHAM WAS LIVING AND RESIDING AT SAID TIME OF HER (MARGARET LYNNETTE CUNNINGHAM'S) UNLAWFUL COMMITMENT TO A MENTAL INSTITUTION; AND THE SAID HEREIN JARED SHAFER CAUSED SAID HOUSE TO BE SET ON FIRE AND BURNED WHILE, AND DURING THE TIME THE SAID REAL PROPERTY WAS IN THE CARE OF AND UNDER THE CONTROL OF SAID HEREIN JARED SHAFER.

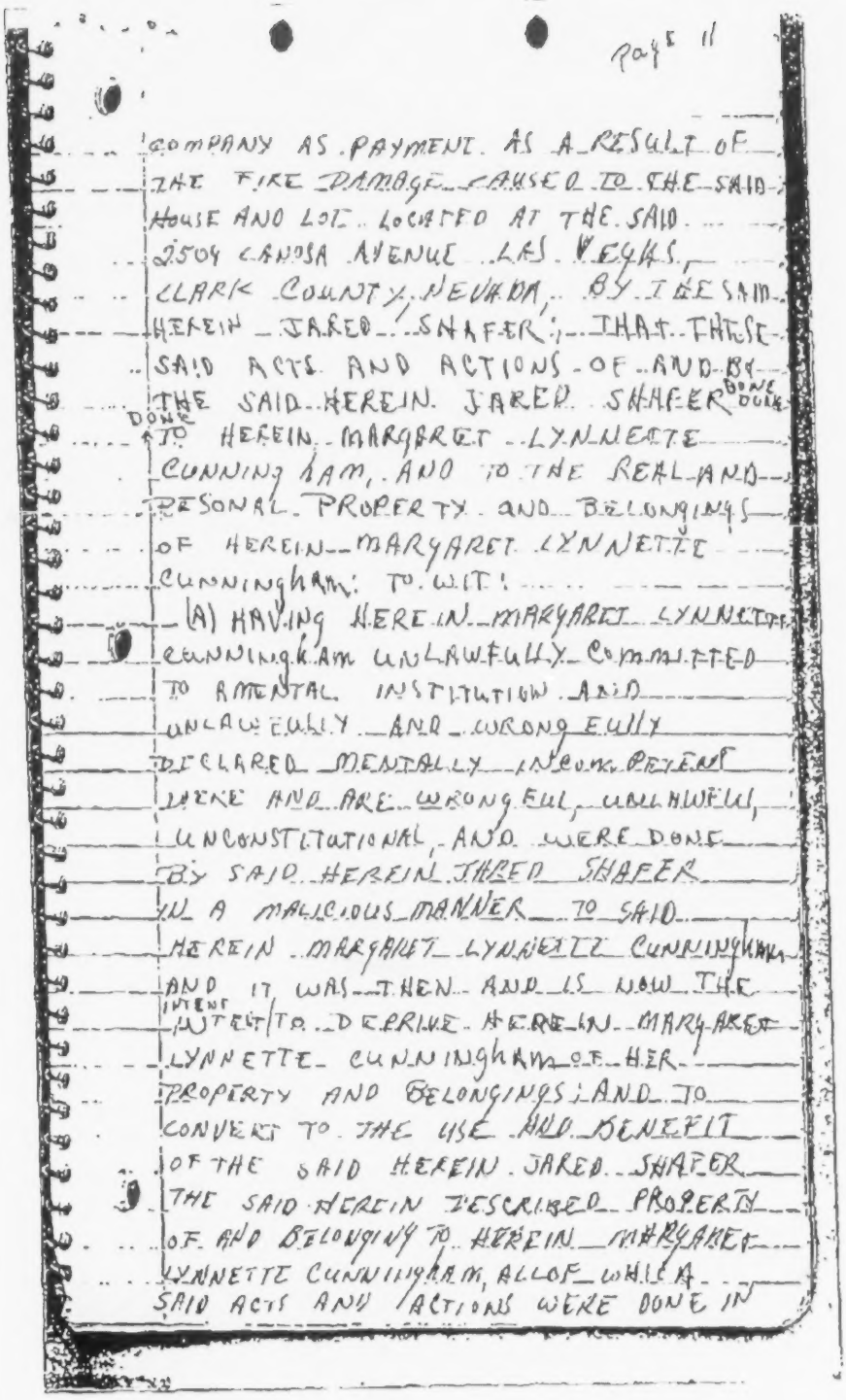
FURTHER THAT THE SAID HEREIN JARED SHAFER APPLIED FOR AND RECEIVED INSURANCE MONEY MONEYS

UNDER A THEN EXISTING POLICY
OF INSURANCE ON SAID REAL
PROPERTY DESCRIBED HEREIN, TO WIT-
THE SAID HEREIN HOUSE AND LOT
LOCATED AT SAID ADDRESS OF 2509 CANOSA
AVENUE, LAS VEGAS NEVADA.

FURTHER, THAT THE SAID HEREIN
JARED SHAFER KEPT FOR HIMSELF
ALL INSURANCE MONEY PAID TO
SAID JARED SHAFER AS GUARDIAN
OF THE ESTATE OF HEREIN MARGARET
LYNNETTE CUNNINGHAM.

THAT THE SAID HEREIN
JARED SHAFER, AS GUARDIAN OF
THE ESTATE OF SAID HEREIN
MARGARET LYNNETTE CUNNINGHAM
NEVER REPAIRED THE HOUSE AT
SAID ADDRESS OF 2509 CANOSA AVENUE
LAS VEGAS, CLARK COUNTY NEVADA,
AND FURTHER, THE SAID JARED
SHAFER, NEVER GAVE TO HEREIN
MARGARET LYNNETTE CUNNINGHAM
ANY OF THE INSURANCE MONEYS
COLLECTED BY SAID HEREIN
JARED SHAFER AS GUARDIAN OF THE
ESTATE OF HEREIN MARGARET LYNNETTE
CUNNINGHAM

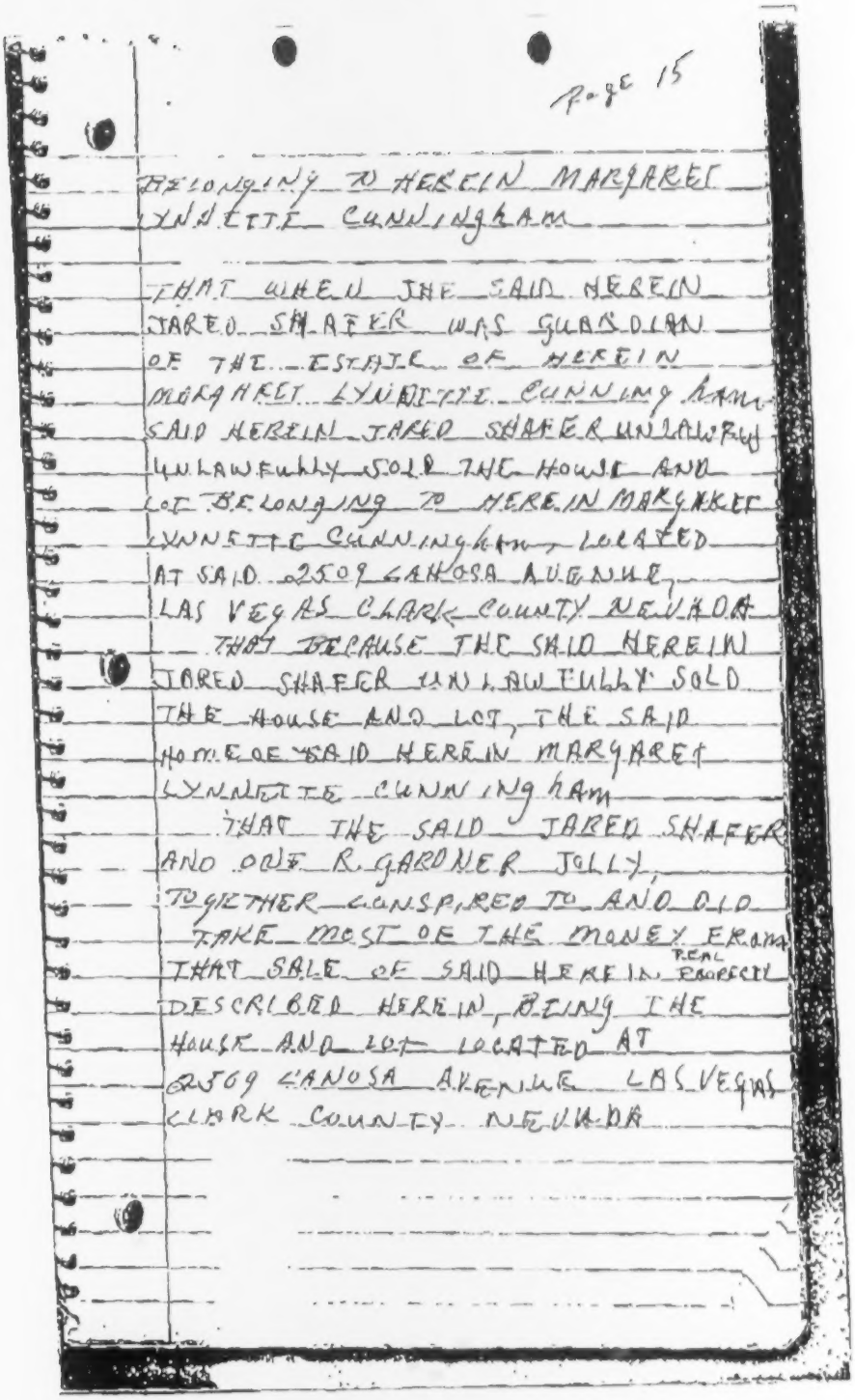
THE SAID HEREIN JARED
SHAFER CONVERTED TO HIS OWN
USE AND BENEFIT, THE USE AND BENEFIT
OF JARED SHAFER, THE MONEYS
PAID TO THE THAT SAID HEREIN
JARED SHAFER BY THE ALSTATE INSU



Page 11

COMPANY AS PAYMENT AS A RESULT OF
THE FIRE DAMAGE CAUSED TO THE SAID
HOUSE AND LOT LOCATED AT THE SAID
2504 CANOSA AVENUE LAS VEGAS,
CLARK COUNTY, NEVADA, BY THE SAID
HEREIN JARED SHAFER; THAT THESE
SAID ACTS AND ACTIONS OF AND BY
THE SAID HEREIN JARED SHAFER DONE DOUBLE
DONE TO HEREIN MARGARET LYNNETTE
CUNNINGHAM, AND TO THE REAL AND
PERSONAL PROPERTY AND BELONGINGS
OF HEREIN MARGARET LYNNETTE
CUNNINGHAM; TO WIT:

(A) HAVING HEREIN MARGARET LYNNETTE
CUNNINGHAM UNLAWFULLY COMMITTED
TO A MENTAL INSTITUTION AND
UNLAWFULLY AND WRONGFULLY
DECLARED MENTALLY INCOMPETENT
HERE AND ARE WRONGFUL, UNLAWFUL,
UNCONSTITUTIONAL, AND WERE DONE
BY SAID HEREIN JARED SHAFER
IN A MALICIOUS MANNER TO SAID
HEREIN MARGARET LYNNETTE CUNNINGHAM
AND IT WAS THEN AND IS NOW THE
INTENT INTENT TO DEPRIVE HEREIN MARGARET
LYNNETTE CUNNINGHAM OF HER
PROPERTY AND BELONGINGS; AND TO
CONVERT TO THE USE AND BENEFIT
OF THE SAID HEREIN JARED SHAFER
THE SAID HEREIN DESCRIBED PROPERTY
OF AND BELONGING TO HEREIN MARGARET
LYNNETTE CUNNINGHAM, ALL OF WHICH
SAID ACTS AND ACTIONS WERE DONE IN



Page 15

BELONGING TO HEREIN MARGARET
LYNETTE CUNNINGHAM

THAT WHEN THE SAID HEREIN
JARED SHAFER WAS GUARDIAN
OF THE ESTATE OF HEREIN
MARGARET LYNETTE CUNNINGHAM
SAID HEREIN JARED SHAFER UNLAWFUL
UNLAWFULLY SOLD THE HOUSE AND
LOT BELONGING TO HEREIN MARGARET
LYNETTE CUNNINGHAM, LOCATED
AT SAID 2509 CANOSA AVENUE,
LAS VEGAS CLARK COUNTY NEVADA

THAT BECAUSE THE SAID HEREIN
JARED SHAFER UNLAWFULLY SOLD
THE HOUSE AND LOT, THE SAID
HOME OF SAID HEREIN MARGARET
LYNETTE CUNNINGHAM

THAT THE SAID JARED SHAFER
AND ONE R. GARDNER JOLLY,
TOGETHER CONSPIRED TO AND DID
TAKE MOST OF THE MONEY FROM
THAT SALE OF SAID HEREIN REAL PROPERTY
DESCRIBED HEREIN, BEING THE
HOUSE AND LOT LOCATED AT
2509 CANOSA AVENUE LAS VEGAS
CLARK COUNTY NEVADA

APPENDIX EE

AFFIDAVIT OF PETITIONER RE: SCHEME & SECRET POLICE MTGS

AFFIDAVIT OF TERRY WILLIAMS

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Terry Williams, hereby declare as follows:

1. that Affiant is a resident of Los Angeles, California.
2. that Affiant believes that, through a pattern of racketeering, activity, Defendants absolutely possess the "minimal contacts" with the forum State of California such that the ***INTERESTS OF EFFICIENT ADJUDICATION*** of this matter and the ***ENDS OF JUSTICE*** require this court's exercise of personal jurisdiction over Defendants
3. that, KEY, to many of Defendants' racketeering activities, is the location of an out-of-state, estranged relative to assist Defendants in their efforts to MANUFACTURE STANDING so as to establish and assert control over assets belonging to the elderly, the disabled and decedents
4. that Defendants create a window for their success through use of the "PUPPET," either by soliciting a NOMINATION or soliciting assistance with managing the elders' care or probate affairs
5. that Defendants solidify their MANUFACTURED standing through the procurement of fraudulently obtained, EX PARTE ORDERS to the detriment of relatives and heirs NATIONWIDE
6. that Defendants procure their standing through the "PUPPET" unless and until said "PUPPET(S)" are no longer useful in the scheme and/or until such "PUPPETS" begin to realize that Defendants' interest in them was for the SOLE PURPOSE OF GENERATING FEES FOR DEFENDANTS' OWN PECUNIARY GAIN - having little to no relation to the best interests of the elderly, disabled and/or Decedent's estates
7. that Decedent's survival cause of action (an asset belonging to Decedent's estate/trust, and ultimately to Affiant) was a right of Decedent so as to provide for monetary damages in relation to negligence causing injury to Decedent while alive and ultimately terminating Decedent's life

8 That Decedent was a temporary resident at Silver Ridge Health Care Center, owned, operated and managed by Covenant Care, Inc., a CALIFORNIA CORPORATION.

9. that Defendants' conspired to HIJACK said asset belonging to Decedent's estate/trust, through a pattern of racketeering activity, whereby Defendants instituted two (2) actions within the Eighth Judicial District Court – (1) fraudulently opened, allowed, and/or continued to allow an estate proceeding to continue, in order to (2) initiate litigation for the purpose of generating an asset belonging to Decedent's MARYLAND estate via action against Covenant Care, Inc..

10 that Defendants claimed to be representing Decedent's estate and thus owed duties, fiduciary and otherwise, to represent Decedent's estate in the best interests of the estate

11. that in order to represent Decedent's survivor action in the best interests of the estate as alleged representatives of Decedent's estate, said representatives were required to conduct HONEST SERVICES in acquiring information, evidence, eye witness testimony, etc.

12 that Affiant was the only crucial source of information, evidence and eye witness testimony. Therefore it was in the best interests of Decedent's estate that Affiant be involved in Decedent's survivor action. NOT CONCEALED and robbed of her ability to represent Decedent's estate

13. that Defendants actions and conduct amount to HONEST SERVICES FRAUD.

14 that, despite, knowing that "all *the Covenant cases are from California.*" (*EXHIBIT "1"*), in order to ensure that Affiant would have no ability to threaten their scheme, tell the truth, assert her rights (in conflict with Defendants' scheme) and knowing that their scheme based in racketeering activity would be protected in Nevada, Defendants Cofting, Tyrell, Shafer and others filed case #A462073 in the Eighth Judicial District Court

15 that, in attempts to cement the Nevada state court s jurisdiction thereby ensuring that the scheme was PROTECTED WITHIN THEIR TURF, co-conspirators instituted suit in the name of Decedent s estate against the LAND OWNER upon which Silver Ridge Health Care Center [a SUBSIDIARY FACILITY of COVENANT CARE, INC] is located

16 that Co-conspirators FRAUDULENTLY INSTITUTED SUIT IN THE NAME OF ANOTHER (Decedent) against AHP of Nevada, making sure to use only the name of the "PUPPET" in order to conceal the involvement of Jared Shafer as BOTH reuring Clark County Public Administrator and soon to be private fiduciary owner and manager of Professional Fiduciary Services of Nevada.

17 that, while all initiating documents were signed by Jared Shafer on January 2, 2003 while he was still, technically the Clark County Public Administrator, Shafer and Co-Conspirators would later testify that they all believed Shafer to be OFFICIALLY RETIRED as of December 31, 2002,

18. that on April 13, 2005, in a hearing held by the Nevada State Commission on Ethics, Defendants' conspired to testify falsely, withheld truthful testimony and/or responded that they "could not recall." to certain inquiries made by the panel, such that Defendant Shafer would not be deemed to have "willfully" violated ethics laws, possibly causing referral of the matter to the State Attorney General's office for criminal investigation, possible prosecution and the unearthing of many secrets

19 that, although the Ethics Commission subpoenaed Affiant to the hearing of April 13, 2005, she was excluded from the entire 8-hour proceeding, never called to testify and did not learn of the efforts made on the part of Defendants to protect Clark County, Nevada, the State of Nevada and other Defendants named herein,

20 that, Affiant was urged by the executive director of the Ethics Commission during the investigation stage, to contact law enforcement relative to potentially criminal conduct that was discovered in relation to Mr. Shafer's transferring his COUNTY ISSUED CELL number to himself privately and prior to retirement.

21. that, the executive director explained that the Ethics Commission DID NOT HANDLE CRIMINAL MATTERS or INVESTIGATION.

22 that, Affiant disclosed to the executive director that she had, in fact, made repeated efforts to file police reports in relation to the totality of circumstances forming the basis of the instant complaint

23 that Affiant had previously been informed by a LVMPD fraud detective, upon attempting to report extortion of Affiant s home that Affiant should

hurry and sell her home, because Defendants' WOULD GO TO COURT AND GET A COURT ORDER TO TAKE AFFIANT'S HOME but that they couldn't take what she didn't own

24. that Affiant left the LVMPD premises on that day, in complete disillusionment Affiant had previously believed that she had an ABSOLUTE RIGHT TO FILE A POLICE REPORT

25. that Affiant now understands that no such right exists in Las Vegas.

26. that Affiant has fled the jurisdiction twice in fear of her and her family's safety.

27. that Affiant has been informed that if she continues to make efforts to protect Decedent's estate and/or pursue justice. that she would be put in jail. her children would be taken, or that she could be locked away in other ways.

28 that Affiant is informed and believes that the ways that victims over the course of twenty-five years have been dealt with was by physical harm, *deeming them incompetent, and/or set up in criminal scenarios such that* they lost any and all credibility and therefore, were no longer threats to the racketeering activities (See ***Exhibit "1"***)

29 That Affiant is aware of many cases where persons deemed wards of the state were shown to have NO COGNITIVE IMPAIRMENT, yet Jared Shafer would insist that they remain under his or the Clark County Public Administrator's guardianship (See ***Exhibit "2" & "3"***)

30 that upon acquiring TEMPORARY guardianship over wards owning substantial assets both locally and NATIONWIDE, Clark County authorizes its Public Guardian, pursuant to her desire, "to invest the" TEMPORARY "Wards' assets in accordance with an Investment Recommendation developed by the registered investment advisor, **Prudent Investor's Network, Inc.**, ("PIN") or have the Temporary Wards' assets "managed based, in part, on the advice of the PRUDENT INVESTOR'S NETWORK (PIN), a registered investment advisor."

31 that PRUDENT INVESTOR'S NETWORK (PIN) is a CALIFORNIA CORPORATION its only location publicly listed being at 2598 Fortune Way, Suite G Vista, CALIFORNIA 92081-8442

32 that, after concealing Affiant's existence as a local resident and executor of Decedent's estate planning instruments in order to initiate their

scheme. and after Affiant began to discover the extent of Defendants racketeering activities. Defendants then fraudulently attempted and failed to paint Affiant as some non-caring, distant relative having managed to steal a house from her father

33 that such a story was absolutely untrue. was only concocted to mask the fraudulent acts of Defendants and destroy the credibility of Affiant.

34 that Defendants' efforts to paint Affiant in such a bad light had happened to many others. such that Clark County officials could then set the wheels in motion for elderly to be "taken away by the Public Administrator" (See *Exhibit "4"*)

35 that guardianship was another leg of the racketeering enterprise generating ENORMOUS FEES for Defendants and co-conspirators.

36. that Affiants efforts to file police reports were repeatedly DISSUADED, REJECTED or OTHERWISE INGNORED by the Las Vegas Metropolitan Police Department,

37. that shortly after receiving news in January, 2005. that the Ethics Commission had announced a formal hearing in response to a complaint filed by Affiant in December, 2003. Affiant again contacted the Las Vegas Metropolitan Police Department. in an attempt to report Defendants' criminal activities and Affiants findings.

38 that. upon telephoning LVMPD, Affiant was again informed that hers was a civil matter. and dissuaded against reporting such matters

39 that Affiant. responded demanding to speak with the Sheriff and was finally able to schedule a meeting.

40 that Affiant, accompanied by other victims of Defendants. met with LVMPD officers and gave a full on presentation. explaining the criminal aspects of what the police repeatedly referred to as civil matters.

41 that. after the first meeting. an LVMPD officer thanked Affiant for having come in and given said presentation. that there seemed to be merit to her allegations. but that he would need to consult with his boss and schedule another meeting

42 that Affiant was advised by a LVMPD supervisor that he did not want to make a formal report at this time. rather, that he wanted to keep the meeting confidential and at least until the next meeting

43 that Affiant agreed to meet again with detectives and, in fact, communicated that she would meet as many times as it would take such that no other victims suffered at the hands of Defendants

44. that Affiant received a call for a subsequent meeting with other LVMPD supervisors, whereby Affiant duplicated her first presentation, and that the lead Detective stated that he appreciated Affiants efforts, understood that there were criminal aspects to this seemingly civil matter and commented that Shafer had "FEATHERED HIS NEST PRIOR TO RETIRING" Affiant was informed that this meeting was confidential as well

45 that Affiant was asked to a third meeting to be held with someone that the officers trusted .a former District Attorney, in his office in downtown, Las Vegas Affiant was informed that she should not bring any other victims, as this meeting was also to be held in confidence.

46. that Affiant met with LVMPD and a former District Attorney in his law office in downtown Las Vegas and again gave a presentation and informed him of all events having occurred in relation to Decedent's death.

47 that the former District Attorney congratulated Affiant for her investigative efforts and presentation and urged LVMPD officer to "take her down and sign her up"

48. that Affiant and the lead LVMPD supervisor exited the office, as the former District Attorney wished to have a private communication with some of the officers

49 that Affiant was informed by the lead LVMPD officer that he was unsure as to whether to convene a grand jury or simply arrest Shafer outright

50 that Affiant was surprised, but pleased to learn that her allegations were being taken seriously, focusing her attention to the upcoming Ethics Commission hearing

51 that unfortunately, Affiant would later learn that Shafer was referred cases by the Las Vegas Metropolitan Police Department – the very law enforcement agency she contacted with regard to her father's injuries and subsequent death

52 During the Ethics Commission hearing, the panel inquired as to the reasons Shafer had transferred the COUNTY ISSUED cell telephone

number to himself privately and before retirement, wherein Shafer responded justifying that he did so due to concerns over perceived "double dipping," as though he had the county's interests at heart.

53. that Shafer apparently transferred the county issued cell phone telephone number to himself personally such that he and his CALIFORNIA AGENTS could fraudulently continue to represent to the LOS ANGELES SUPERIOR COURT located at 111 Hill Street, Los Angeles, California, through a pattern of racketeering activity, that Shafer was still Clark County Public Administrator and properly BONDED in his official capacity up through at least July, 2006 such that he obtain PRIVATE FIDUCIARY FEES and complete real estate sales transactions in the State of California.

54. that Defendants' owed a duty to the Los Angeles Superior Court in Los Angeles to inform LASC of Jared Shafer's retirement, such that the court could address the evaluate the necessity of having Mr Shafer post additional bond

55. that James Q. Fisher, Esq. is an attorney at law, licensed to practice in the State of California and acted as Jared Shafer's agent on numerous occasions

56 that immediately following the Ethics Commission hearing of April 13, 2005, at least one panelist had concerns of the insufficiency of the ethics hearing, commenting, "*Perhaps unfortunately, several incriminating circumstances took place and have not satisfactorily been explained*" (See *Exhibit "5"*)

///

///

///

///

///

///

///

///

57. that if called upon to testify, Affiant could and would competently testify to the same under penalty of perjury and the laws of the State of California.

Dated this 23rd day of March, 2009 at Studio City, California.

Terry Williams, Affiant

SUBSCRIBED and SWORN to before me,
Terry Williams personally appeared
before me on this 23rd day of March, 2009

NOTARY PUBLIC in and for said
County and State

[illegible]
Comm. # 1663782
Notary Public - California
Los Angeles County
My Comm. Expires May 4, 2010